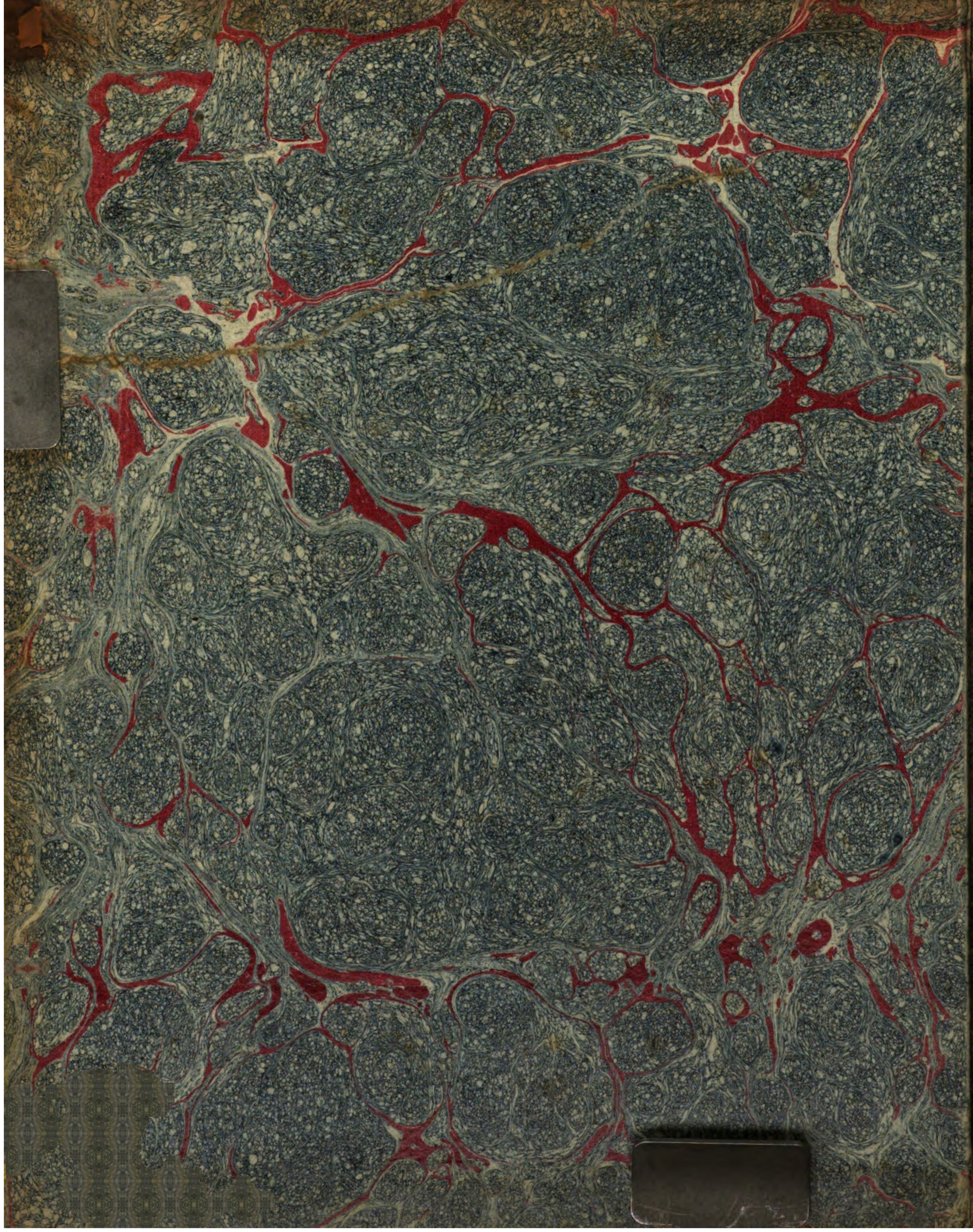
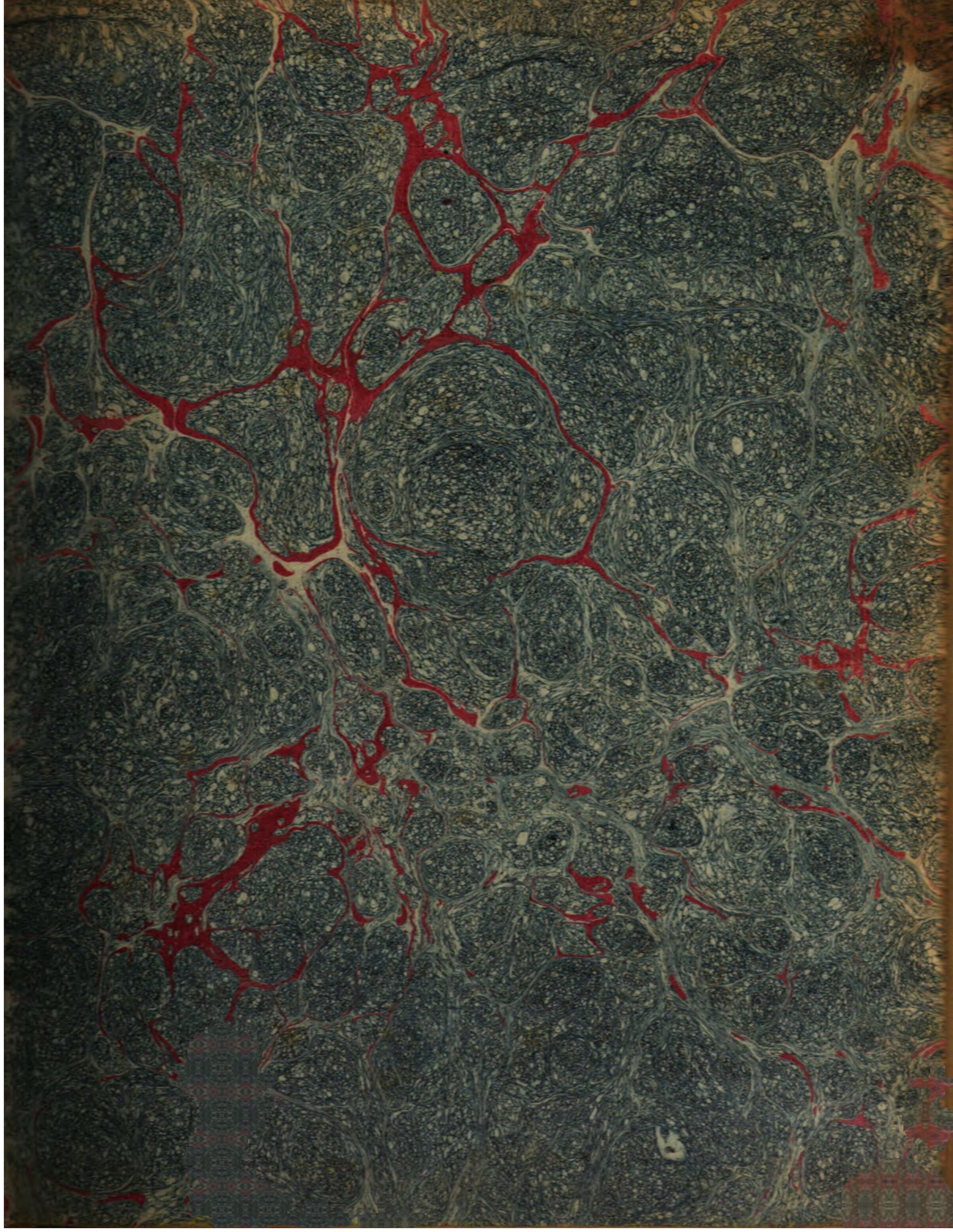








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FROM

THE ACCESSION OF MALCOLM III. SURNAMED CANMORE,
TO THE ACCESSION OF ROBERT I.

By Sir DAVID DALRYMPLE.

Vol. I

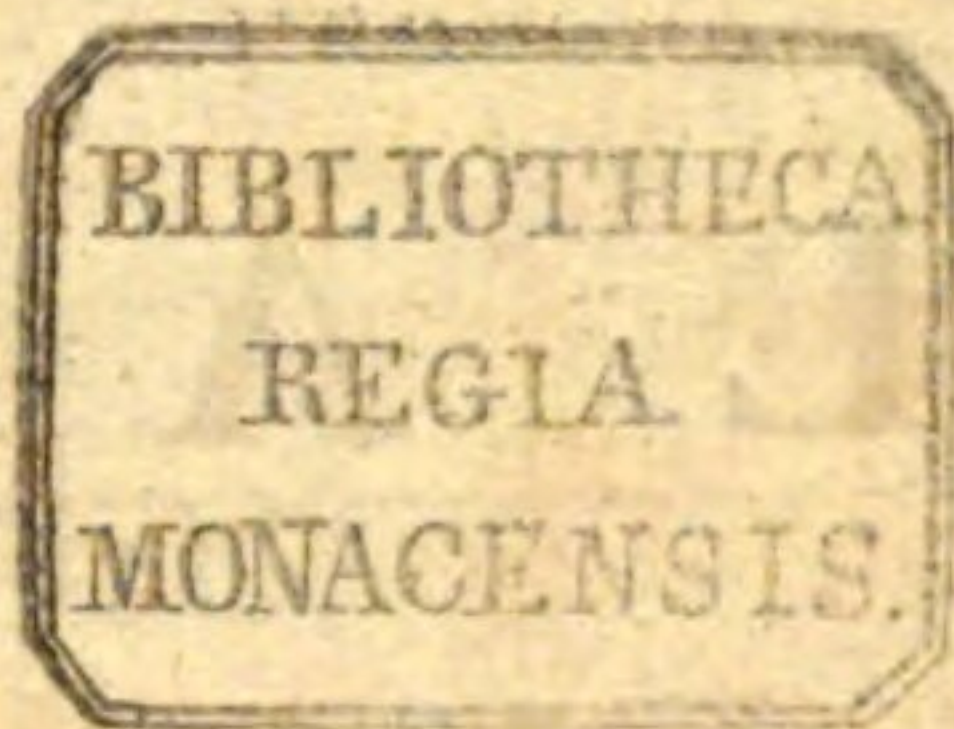
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M.DCC.LXXVI.



A D V E R T I S E M E N T.

THE design of the following Sheets, is to exhibit a Chronological view of the History of Scotland, from the Accession of Malcolm, surnamed *Canmore*, to the Accession of Robert Bruce.

They commence with the Accession of Malcolm Canmore ; because the History of Scotland, previous to that period, is involved in obscurity and fable. They are not brought down to a later period than the Accession of Robert Bruce, because the Author is solicitous to know the opinion of the Public as to his plan and its execution.

If these are approved of, and if he has health and leisure, he proposes to continue the Annals of Scotland to the Restoration of James I.

A D V E R T I S E M E N T

The following is a statement of the author of the
topical view of the history of Scotland, to the
Association of Ministers, dated at Glasgow, the 1st of
Robert Burns.

They commence with the history of Malcolm Canmore,
because the history of Scotland, previous to that period, is
involved in obscurity and doubt. They do not descend now
to a later period than the Accession of Robert Bruce, because
the Author is desirous to know the opinion of the Public as
to his plan and its execution.

If these are approved of, and if he has been enabled
he proposes to continue the Annals of Scotland to the Reformation of James I.

E R R A T A.

P. 2. Note †. l. 7. for *accompt* read *account*. P. 14. note, l. 14. 15. for *se* read *the*. P. 18. note, l. 3. for *Sconland* read *Scotland*. P. 50. l. 14. for *inveterate* read *established*. P. 62. l. 10. for *Tweed* read *the Tweed*. P. 83. l. 12. for *by* read *of*. P. 109. l. 14. for *28th* read *9th*. P. 121. note *. l. 1. for *probably* read *probably corrupted*. P. 136. l. 6. for *St Bartholomew's day* read *24th August*. P. 139. after l. 11. add 1214. P. 142. l. 4. for *5th* read *10th*. P. 177. l. 11. for *Lewis* read *Lewes*. P. 183. l. 18. for *Chronicis* read *Chronicis*. P. 258. note †. l. 4. &c. for *can* read *cun*. At top of p. 265. 266. for 1298 read 1299. P. 280. after l. 6. place 1305. From p. 281. the year ought to be 1305, not 1304.

T A B L E S. At *John Balliol*, add, He married Isobel, daughter of John de Warren Earl of Surrey.

T A B L E

TABLE showing the results of the experiments conducted at the
University of Cambridge, in the year 1871, on the subject of
the influence of the atmosphere on the rate of combustion of
certain substances. The experiments were conducted by Mr. J. D. Graham,
F.R.S., and the results are given in the following table.

Substance	Rate of combustion (per cent. per hour)
Carbon	1.2
Hydrogen	1.5
Oxygen	1.8
Nitrogen	2.0
Ammonia	2.2
Water	2.5
Alcohol	2.8
Acetic acid	3.0
Formic acid	3.2
Butyric acid	3.5
Valeric acid	3.8
Caproic acid	4.0
Stearic acid	4.2
Myristic acid	4.5
Palmitic acid	4.8
Stearic acid	5.0

A D V E R T I S E M E N T.

THE Author once proposed to have continued THE ANNALS
OF SCOTLAND to the Restoration of James I.

But there are various and invincible reasons which oblige him to
terminate his Work at the accession of the House of Stewart.

ADVERTISEMENT.

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OF SCOTLAND to the Reformation of James I.

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terminate his Work at the accession of the House of Stewart.

A N N A L S

OF

S C O T L A N D,

From the ACCESSION of

M A L C O L M III.

MALCOLM II. King of Scotland, had a daughter, *Fordun*, iv. 49.
Beatrice, the mother of Duncan.

In 1034, Duncan succeeded his grandfather Malcolm. *Chr. Melros.*
In 1039, he was assassinated by M'Beth *. 156.

By his wife, the sister † of Siward Earl of Northumberland, he *Fordun*, iv. 49.
left two sons, Malcolm, surnamed *Canmore*, and Donald, surnamed
Bane ‡.

M'Beth

* At Inverness, according to our later historians. They follow Boece, L. xii. fol. 250. a. The Register of the Priory of St Andrew's says, "Doncath interfectus est in *Bothgouanan*." Fordun says, L. iv. c. 49. that, being wounded, he was conveyed to Elgin, and died *there*. The word *Bothgouanan* means, in Gaelic, *the Smith's Dwelling*. It is probable, that the assassins lay in ambush, and murdered him, at a smith's house in the neighbourhood of Elgin.

† Fordun calls her *consanguinea Comitiss*. Other historians call her *his daughter*.

‡ *Cean-more*, or *great-head*, according to the rude distinctions used in those times.
Bane, white, or of a fair complexion.

Fordun, iv. 51. M'Beth expelled the sons of Duncan, and usurped the Scottish throne. Malcolm sought refuge in Cumberland, Donald, in the Hebrides.

Fordun, iv. 54. When Edward the Confessor succeeded to the crown of England, [1043,] Earl Siward placed Malcolm under his protection. Malcolm remained long at his court, an honourable and neglected exile.

Fordun, iv. 7. The partizans of Malcolm often attempted to procure his restoration; but their efforts, feeble and ill-concerted, only served to establish the dominion of the usurper.

Fordun, v. 7. At length, M'Duff*, Thane of Fife, excited a formidable revolt in Scotland, while Siward, with the approbation of his sovereign, led the Northumbrians to the aid of his nephew Malcolm. He lived not to see the event of his generous enterprize †.

Fordun, v. 7. M'Beth retreated to the fastnesses of the North, and protracted the war. His people forsook his standard. Malcolm attacked him at Lunfanan ‡ in

* Our historians relate, that M'Duff, in an interview with Malcolm, proposed the plan of his restoration; but that the young Prince, suspecting the fidelity of M'Duff, artfully pretended that he knew himself to be unworthy of a crown. He urged, that he was libidinous, a thief, and void of faith. On this *false confidence*, a most absurd conversation ensued, according to *Fordun*, L. v. c. 1.—6. Buchanan has polished the narrative, and bestowed a plausible appearance on the fable; L. vii. p. 114.

† The Saxon Chronicle places his death in 1055; p. 169. *Ingulphus*, in 1056; p. 66. There is a curious passage concerning him in Leland, *Collectanea*, T. i. p. 529. "Siward sent his sunne to warre in Scotland, wher he dyid of the flux; where he after toke the same decease, and dyid of it. But he, much detesting to dy like a cow of the flix, cauffid hymself to be armid at all peaces, and dyed yn his armure." *Brompton*, p. 946. relates the dying words of Siward in a bombast style, which he mistook for eloquence. The account which Brompton gives of Siward is ridiculous and contradictory. It ends with saying, that Siward put King Duncan in possession of Scotland.

‡ In Aberdeenshire, two miles north-west of the village of Kincardin o Neil. Just by the parish-church of Lunfanan, there is a valley where the vestiges of an antient fortrefs are still to be discerned. It has been of an oblong figure; in length, near an hundred yards, and twenty yards in breadth. A brook, which waters the valley, has been led round it. As no remains of buildings are to be seen, it is probable that the fortrefs was composed of timber and sod. In this solitary place, we may conjecture that M'Beth sought an asylum.

in Aberdeen-shire: Abandoned by his few remaining followers, M'Beth fell * [5th December 1056.]

The kindred of M'Beth placed a relation of his on the throne †. *Fordun, v. 8.*
No party espoused the cause of this pageant monarch. Malcolm soon *Chr. Melros.*
discovered his lurking place, and slew him [at Effie in Strathbolgie, 3d
April 1057.] *158.*

1057.

* We know few particulars of the real history of M'Beth. Boece says, that his mother was *Doda*, a daughter of Malcolm II. and, consequently, that he was the cousin-german of Duncan; L. xii. fol. 246. b. Fordun seems to have been ignorant of his connection with the royal family. He terms him simply, *M'Beth the son of Finele*, (or Finlay;) L. iv. c. 49. Boece has exerted all his inventive powers in delineating the character and history of M'Beth. The genius of Shakespeare gave such strength of colouring to the portrait, that the fictions of Boece assumed the form of historical realities. The weird sisters, the wood of Birnam advancing to Dunfinnan, the prophecy that M'Beth should never be overcome by any one born of a woman, are incidents which the last age devoutly believed. Buchanan artfully softened the improbabilities of the tale of *the weird sisters*, or *the three witches*: "M'Bethus, qui
" *consobrini ignaviâ semper spretâ, regni spem occultam in animo alebat, creditur*
" *somnio quodam ad eam confirmatus; quadam enim nocte visus est sibi tres foeminas*
" *formâ augustiore quam humanâ vidisse: Quarum una Angulæ Thanum, altera*
" *Moraviæ, tertia Regem eum salutasset. Hoc somnio animus, cupiditate et spe aeger,*
" *vehementer incitatus, omnes regnum adipiscendi vias secum volvebat;"* L. vii. p. 113. Thus, Buchanan softens the *apparition* into a *dream*. Of the other fictions in Boece, he says, "Multa hic fabulosè quidam nostrorum affingunt; sed, quia *theatris*, aut
" *Milesiis fabulis sunt aptiora quam historiæ, ea omitto;"* p. 115. Boece records the laws of M'Beth. They are a palpable forgery. If Boece himself was the forger, they shew his ignorance of history and manners. See L. xii. p. 250. b.

There is a singular passage concerning M'Beth in Florence of Worcester, p. 626 "Anno
" 1050, Rex Scotorum M'Bethad Romæ argentum spargendo distribuit." Fordun simply
adds, "*Pauperibus;*" L. v. c. 9. because that word follows in the text, Pf. 112. From
the words of Fordun, Goodall draws this notable inference, "Machebeda Roman
" *profectus;*" *Index ad Fordun*. Thus, from Fordun, and his publisher, we learn,
"that M'Beth went to Rome, and *there* distributed alms to the poor;" whereas, the
original insinuated, "that M'Beth bribed the court of Rome."

† Fordun calls him, "nomine *Lulach*, ignomine *fatuus;*" L. v. c. 8. I suspect
that *Lulach* was rather his vulgar surname, than his name. In the antient Gaelic, *Luai-*
lach signifies *Mimicus*, *Gesticulosus*, *Lhuyd*, *Archeil*. This may not unaptly be transla-
ted, *The Fool*, in a sense familiar to our forefathers. Fordun, ignorant of the Gaelic
lan-

1057.

Fordun, v. 9.

Malcolm was crowned at Scone [on the festival of St Mark, 25th April 1057].

The patriot, who restored Malcolm to the throne of his ancestors, demanded no reward in titles of dignity, pensions, or grants of crown-lands. The privileges which M'Duff sought, and the King bestowed, were, 1. That he, and his successors, Lords of Fife, should have the right of placing the Kings of Scotland on the throne, at their coronation. 2. That they should lead the van of the Scottish armies, whenever the royal banner was displayed. 3. That, if he, or any of his kindred, committed *slaughter of suddeny*, they should have a peculiar sanctuary, and obtain remission, on payment of an atonement in money *.

Little

language himself, and hearing this mock-monarch termed *Lulach*, and *the fool*, has supposed the one to be his *name*, and the other his *vulgar surname*. I call *Lulach*, a *relation* of M'Beth, for it is not certain that he was his son.

* “ Quod ipse, et omnes in posterum de sua cognatione, pro subitanea et improvise
“ occisione, gauderent privilegio legis M'Duff, ubi generosus occidens solvendo viginti
“ quatuor marcas ad *Kinbot*, et vernaculus duodecem marcas, remissionem plenariam
“ exinde reportaret;” *Fordun*, L. v. c. 9. *Fordun*, by using the expression, “ That
“ they should have the benefit of *M'Duff's law*,” plainly refers to an usage which ex-
isted in his own times. *Buchanan*, L. vii. p. 115. says, that this law, “ usque ad
“ aetatem patrum nostrorum, quamdiu scilicet ex ea familia superfuit quisquam, dura-
“ vit.” It is not probable that the family of M'Duff, if it existed in the age before
Buchanan, could have been extinguished in his days. I imagine that the nature of
M'Duff's law is misunderstood. It is reasonable to conjecture, that a temporary privi-
lege, unto the tenth generation, was conferred, not a perpetual right of sanctuary, and
of composition for unpremeditated slaughter. *Major*, L. iii. c. 5. condemns this privi-
lege, as being impolitic and unjust. He did not recollect the privileges of ecclesiastical
sanctuaries; he probably did not know of a request made to the monastery of *Dunferm-
line*, and of the answer which the monastery returned. “ Petunt homines vallis de
“ *Twedale*, (perhaps *Wedale*), quod si aliquis ex genere eorum hominem interficeret,
“ vel aliud flagitium commiserit, propter quod tenetur immunitatem ecclesiae postu-
“ lare, si ad monasterium de *Dunfermline* venerit causa immunitatis habendae; quod
“ quamdiu ibi steterit, de bonis monasterii debet procurari. Ad quod respondent,
“ Quod hoc facerent extraneo, multo magis homini suo de genere praedictorum;”
Chart. Dunferm. vol. 2. p. 4. ad an. 1320.

1057.

Little is known of the reign of Malcolm until the death of Edward the Confessor, in 1066. Gratitude, as well as interest, led Malcolm to cultivate friendship with England; so that the first years of his reign are not distinguished by predatory expeditions, fire, and bloodshed.

1061.

The first military enterprise of Malcolm was rash and injudicious. He had contracted a friendship so intimate with Tostig * Earl or Governor of Northumberland, that they were popularly termed *the sworn brothers*. Some disgust arose between them: Malcolm invaded Northumberland, laid waste the country, and violated the peace of St Cuthbert †.

Sim. Dunelm,

140;

It appears that Tosti was at that time in Rome. S. Dunelm. 140. Chron. Mel. ad. an.

1065.

Edward the Confessor died [5th January 1065-6.] He was succeeded by Harold.

Sim. Dunelm,

193.

1066.

Tostig, the brother of Harold, aided by the Norwegians, invaded England. Having been repulsed, he sought refuge with Malcolm, and remained in Scotland during the whole summer ‡.

Sim. Dunelm,

193. 194.

A 3

If

* Son of Earl Godwin, and brother of Harold. The English historians affect to call him *Tosti*. His name was *Tostig*, pronounced nearly thus, *Tostihhe*. This observation may remove the difficulty which many Englishmen of the present age find in pronouncing the word *Loch*. They convert it into *Lock*, or *Loff*. It is still more strange, that other nations of Teutonic original should have become incapable of pronouncing *Th*. I have seen P. Wesseling, the editor of Diodorus Siculus, distort his face into convulsions, while attempting to express the just sound of a Greek *Theta*. The French academicians examined the organs of a native of Otaheite, in order to discover why he could not pronounce certain sounds: They never thought of employing such curious inquiries on themselves.

† “Violatâ pace Sancti Cuthberti in Lindisfarnensi insula;” *S. Dunelm*, p. 190.

‡ “Ille autem inde discedens, Regem Scottorum Malcolmum adiit, et cum eo per totam aestatem mansit;” *S. Dunelm*, p. 193. 194.

1066.

S. Dunelm,
194.
Torfaeus Hist.
Norv. iii. 349.

If Malcolm had force sufficient to exclude so formidable a guest, his reception of Tostig was equally unjust and impolitic*. Harold King of Norway, and Tostig †, were slain at the battle of Staneford-bridge, near Yorke, [25th September.] William Duke of Normandy invaded England. Harold fell in battle at Hastings, [14th October.] William ascended the throne of England.

1068.

Ingulphus, 68.
Aldred, Gen.
Reg. Angl.
366.

Edgar Ætheling ‡ was the heir of the Saxon line; a young Prince of most contemptible understanding, and therefore secure from the jealousy of the conqueror.

But

* Perhaps Tostig was not received by Malcolm, but only lay at anchor in some bay, with the remains of his fleet, until he was joined by the reinforcement from Norway.

† Concerning this battle, there are many curious and interesting circumstances in Torfaeus, *Hist. Norv.* L. v. part. 3. c. 17. The English historians, occupied in relating the more momentous event at Hastings, have given a very imperfect detail of the Norwegian invasion.

‡ Edmund Ironside left two infant sons, Edwin, and Edward. By order of Canute, they were conveyed out of England, in 1017; *Chr. Sax.* p. 150. At length they found an asylum in Hungary. Edwin died there. Edward was recalled by Edward the Confessor in 1057. He only lived to see the land of his nativity, from which he had been exiled during 40 years; *Ibid.* p. 169. The children of Edward were, Edgar Ætheling, Margaret, and Christian. It is strange that writers should differ so much as to the sense of the word Ætheling. The forger of the laws of Edward the Confessor, *Wilkins L. L. Angl. Sax.* p. 208. says, that it is compounded of *Adela nobilis*, and *ling imago*. That the West Saxons used *Hinderling* as a term of reproach, as implying, "omni honestate dejecta et recedens imago." He also says, "Rex Edwardus Edgarum secum retinuit, et pro suo nutrit; et quia cogitabat haeredem eum facere, nominavit *Adeling*, quem nos, puta Normanni, dicimus *Domicellum*; sed nos indiscretè de pluribus dominis dicimus, quia Baronum filios vocamus *Domicellos*; Angli vero nullum nisi *natos regum*." *Spelman, v. Adelingus*, says, that the Anglo-Saxons used the termination *ling* for *progeny*, or for *younger*. Thus, the son of *Edmond* was called *Edmondling*. And thus the English still use *duckling*, *codling*, *suckling*, &c. Thus, also, the Normans were called *Nordlings*, or *children of the north*: and the Danes are still called *Easterlings*, or *children of the East*. *Papenbroch, in vit. S. Margaretæ*,

1068.

But the imbecility of Edgar, which disqualified him from being the leader, exposed him to the disgrace of being the property and tool of a party. Maerleswegen, Gospatric, and other Northumbrian nobles, became disgusted at the Norman government. Taking with them Edgar, his mother Agatha, and his two sisters, Margaret and Christian, they retired into Scotland, and sought the protection of Malcolm. Malcolm soon after espoused Margaret*.

Chr. Sax. 174.
S. Dunelm,
197.

The

10. *Jun.* with more probability, says, that *ling* is the mark of the adjective in the northern languages. Thus, *Nort* is *Boreas*, *Nortling* is *Borealis*, *Ost* is *Oriens*, *Ostling* is *Orientalis*; that *Ædel* is the noun, and *ling* the adjective. Hence *Edgar Ædeling* is *Edgar the noble*. There are many examples of this in modern English. Thus, from the noun *hire*, *merces*, is formed the adjective *hireling*, *mercenarius*. It is plain, from *Spelman*, that the Anglo-Saxons, as well as other nations, formerly used the word *Ædeling* to denote *men of the noble class*; although it may, by degrees, have been appropriated to the sons of the royal family. The Saxon *Ædeling* was constantly expressed by the barbarous Latin word *Clito*. Every son of the King had that appellation. Thus, *Edwi*, *Alfred*, and *Edward*, sons of *Ethelred*, have each the appellation of *Clito*. See *Sim. Dunelm.* p. 176. 179. And the sons of *Edmond Ironside* are called *Clitunculi*; *ibid.* p. 176. *ad an.* 1017. *Edward the Confessor* might give the name of *Ædeling* to the grandson of his elder brother *King Edmund*, without meaning to adopt him as his heir. It seems to have been merely an acknowledgement that he was a Prince of the blood-royal. Lord *Lyttelton* observes, vol. i. p. 187. "That William, the son of *Robert Duke of Normandy*, was distinguished by the surname of *Clito*, used in that age by the Normans, as *Atheling* was by the Saxons, to denote a Prince of the royal blood."

* There is a confusion, hardly to be unravelled, as to the time and manner of Edgar's retreat into Scotland, and his sister's marriage. In *Chron. Sax.* p. 173. 174. it is said that Edgar went into Scotland in 1067, with Maerleswegen, and the other malcontents. *S. Dunelm* places this event in 1068; p. 197. According to *Chr. Melros.* at p. 158. the nuptials of Margaret were solemnised in 1067; but, according to the same history, at p. 160. in 1070. *Fordun*, L. v. c. 16. relates, from *Turgot*, that Edgar, with his mother and sisters, had embarked, in order to return to the place of his nativity, but that he was driven to Scotland by a tempest. With him *Aldred* concurs, *De Genealogia Regum Anglorum*, p. 367. *Fordun* adds, that the place where the ship anchored was called *Sinus S. Margaretæ*, [now *St Margaret's Hope*]; and, c. 17. that

1068.

S. Dunelm,
197.

The malecontent Lords had engaged the Danes to unite with them in an enterprise against England. William discerned the storm that was gathering around him; he fortified the castles of Lincoln, Northampton, and Yorke; he appointed Robert Comyn governor of Northumberland, and put a numerous body of troops under his command. The Northumbrians rose in arms, surprised Durham, and massacred Comyn, and the whole garrison, [28th Jan. 1068-9 *].

The

that the nuptials were solemnised at Dunfermline. *Hoveden*, p. 226. relates the same story of the tempest; but places it in 1067. He adds, that, at that time, the marriage of Margaret and the King of Scots was agreed on, “ hac quoque occasione actum est, ut *Margareta Regi Malcolmo nupta traderetur.*”

Conjecture alone can reconcile such discordant accounts. The various narratives may be thus blended: “ In the end of 1067, or, in the beginning of 1068, Maerleswegen, Gospatric, and the other malecontents, conveyed Edgar to Scotland; *Chr. Sax.* p. 174. *S. Dunelm*, p. 197. They proposed a matrimonial alliance between Malcolm and the eldest sister of Edgar; *Hoveden*, p. 226. We may presume the Northumbrian Lords, after displaying the excellencies of the lady, hinted the imbecility of Edgar, and the probable appearance that Margaret would one day inherit all the pretensions of the Saxon line; and that a Prince, young and ambitious, would eagerly grasp at the proffered alliance, and engage to second the enterprise against England. Then followed the insurrection of the Northumbrians in Jan. 1068-9, the invasion of England, and the dissolution of the confederacy in autumn 1069; *S. Dunelm*, p. 197.—200. In the beginning of 1070, Malcolm marched, though too late, to the assistance of his allies. While he wasted the east parts of Yorkshire, he found Edgar and his family embarked, and waiting for a fair wind to convey them into foreign parts; *Aldred de Genealogia Regum Anglorum*, p. 367. *Fordun*, L. v. c. 16. &c. He took them under his protection. They set sail, and, through tempests, arrived in Scotland. Malcolm, on his return, married Margaret, to whom he had been already contracted; *S. Dunelm*, p. 201. *Fordun*, L. v. c. 17.” This narrative seems tolerably consistent; but, as it is pieced together by conjecture, I have chosen to place it in a note, while, in the text, I employ expressions more general and indefinite.

* *Ordericus Vitalis*, p. 511. says, “ Malcolmus, licet ab Anglis requisitus fuerit, et validam expeditionem in eorum auxilium facere paraverit; auditâ tamen legatione pacis quievit, et cum praefule Dunelmi nuncios suos ovanter remisit: Per quos Guilielmo Regi fidele obsequium juravit; sic utiliter sibi consuluit, populoque suo multum placuit,

1069.

The Danes, with a powerful navy, arrived [about 11th Sept.] *S. Dunelm,*
 They were joined at sea by the malecontent Lords and Edgar; Gospa-^{199.}
 tric led all the powers of Northumberland to their aid. With united
 forces, they stormed the castle of Yorke, and put the Norman garri-
 son to the sword [22d October.] To this hardy atchievement, an
 unaccountable inactivity succeeded. The Northumbrians returned to
 their habitations, the Danes to their ships. William employed every
 artifice to dissolve the union of his enemies; he won over Gospatric by *S. Dunelm,*
 offering to re-instate him in the government of Northumberland; ^{199. 200.}
 and, by bribes, he persuaded Osbert, the Danish commander, to de-
 part from England. Edgar, and his few remaining adherents, aban-
 doned all hope of resistance, and dispersed themselves *.

1070.

It undoubtedly had been concerted, that the king of Scots should
 march into England, and co-operate with the invasion of the Nor-
 thumbrians and Danes; but some unforeseen accident retarded his mo-
 tions †: At length, when it was too late, he led a numerous army, by
 the

placuit, quod pacem bello praeposuit. *Nam Scotica gens, licet in praelio aspera sit,*
otium tamen et quietem diligit: Nollet a vicinis inquietari regnis, Christianae religio-
nis plus quam armorum intenta studiis. Notwithstanding this panegyric, importing
 our forefathers to have been so intent on propagating Christianity at home, as to be a-
 verse to engage in foreign quarrels, and studious of peace and quiet, I hold Ordericus
 Vitalis to have been an ignorant blundering monk; his errors are so many, and so
 gross, that I will never quote him.

* Tyrrel, in his loose pragmatical manner, says, ‘I could have wished our authors
 had told us *where* they had staid,’ &c. Vol. ii. b. i. p. 25. as if this were a cir-
 cumstance of any moment, or of which historians were bound to have informed them-
 selves! The reader will observe, that I abridge, as much as possible, my account of
 all English transactions, in which the Scottish nation was not particularly concerned.

† In those days it was difficult to procure intelligence. Malcolm, perhaps, was ig-
 norant of the state of his allies in England; neither is it improbable, that he may have
 found unsurmountable difficulties in assembling his army, till after harvest was com-
 pleted.

1070.

S. Dunelm.
200.

the western borders, through Cumberland. He wasted Teesdale, routed the English who opposed him at Hunderdeskelde *, penetrated into Cleveland, and from thence into the eastern parts of the bishoprick of Durham, spreading universal desolation. Not even the edifices sacred to religion were spared. They who fled into churches for refuge were burnt in their imagined sanctuary. Malcolm, from an eminence, beheld this scene of horror. He received tidings that his own territories in Cumberland were laid waste by the false Gospatric. Enraged at a mode of war resembling his own, he ordered his

S. Dunelm.
200.

soldiers to slay, without distinction of age or sex; but he seemed to mitigate this severity, by commanding all the young men and maidens

S. Dunelm.
201.

to be driven captive into Scotland. 'So great was the number of captives,' says an English historian, 'that, for many years, they were to be found in every Scottish village; nay, even in every Scottish hovel †.'

Chr. Sax. 174.
Ingulphus, 79.

The barbarity of the Scots was far exceeded by the revenge and cruel policy of William the Conqueror. To punish the late revolt, and to oppose a wilderness to the invasions of the Danes, he laid entirely waste that fertile country which is situated between the Humber and the Tees ‡. Famine consumed many thousands of the inhabitants.

pleated. He seems to have penetrated by the way of Cumberland, in order to avoid the castles of Bamborough and Alnwick. His march into Cleveland affords reason for imagining, that he still expected to find his allies on the east coast.

* *Hunderdeskelde*, or *centum fontes*, from the great number of springs in the neighbourhood, commonly pronounced *Hinderfel*; it lies to the S. W. of New-Malton, near the river Darwent; *Abercrombie* calls it *Hundreds killed*; Vol. i. p. 354.

† 'Repleta est ergo Scotia servis et ancillis Anglici generis, ita ut etiam usque hodie nulla, non dico villula, sed nec domuncula, sine his valeat inveniri;' *S. Dunelm.* 201.

‡ *Ingulphus* relates this event with all the coolness of a politician. 'Quo tempore ducens exercitum in Northumbriam, ubi Dani applicare saepius ante solebant, universam

1070.

bitants *. The rest, either sold themselves for slaves, to procure a wretched sustenance, or sought an asylum in Scotland. *S. Dunelm,*
199.

Thither many persons of quality, of Norman as well as Anglo-Saxon origin, retired. All who perceived that they were obnoxious to the government of the Conqueror, or who imagined that their services had not received an adequate recompence, found a hospitable reception at the court of Malcolm. It is said, that the ferocity of his nature was insensibly softened by the prudence and gentle

‘ versam patriam abrafit, ac ferè in terram desertam absumens, multis milliariis inhabitalem, postea longo tempore reddidit; ne hostis veniens, et victualia inveniens, moram proluxaret, sed, fame et inediâ fugere de patria compulsus, pro victualium penuria citius ad propria remearet;’ p. 79. But, when he speaks of Asford of Heliefton, who is said to have defrauded the monks of Croyland, his style becomes more animated. This Asford of Heliefton had a law-suit with the monks of Croyland, concerning an estate. The cause was appointed for trial at Stamford. ‘ Quo die,’ says Ingulphus, ‘ cum regis justiciarios pro negotiis monasterii aditurus, me fratrum meorum orationibus commendassem, versus Stanfordiam, confidens in Domino, equitabam. Ille vero, confidens in magnitudine divitiarum suarum, et in thesauris pecuniae ponens omnem spem suam, erecto collo contra Deum equitabat. Et ecce, offendens equus suus ad petram scandali in medio itinere, ascensorem dejecit, dejectique collum confregit, et animam gradientis contra Dominum cum superbia ad inferos transmisit;’ p. 77. The substance of this story is, that Ingulphus rode safely to court, in the fear of the Lord; but Asford, trusting in his riches, and riding against the Lord, was thrown from his horse, broke his neck, and went directly to hell.

* ‘ Provinciae quondam fertilis incendio, praedâ, sanguine, nervi succissi, humus per sexaginta et eo amplius milliaria omnifariam inculta, nudum omnium solum, usque ad hoc etiam tempus. Urbes olim praeclaras, turres proceritate suâ in coelum minantes, agros laetos pascuis, irriguos fluviis, si quis modo videt peregrinus, ingemit, si quis supereft vetus incola, non agnoscit;’ *W. Malmsh.* p. 103.

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gentle dispositions of Margaret*, and that she inspired him with
sentiments

* As the posterity of Margaret has continued to reign over Scotland for almost *seven* centuries, it may not be improper to exhibit a view of her family.

Ethelred King of England, d. 1016.

2. Edward the Confessor, d. 1066.

1 Edmund Ironside, d. 1016.

Edward, d. 1057.

Margaret.

Edgar Ætheling.

Thus, Margaret was the grand niece of Edward the Confessor.

The English historians unanimously assert, 'That Edward, the father of Margaret, was educated at the court of *Solomon* king of Hungary, and that Solomon gave his sister-in law Agatha, the daughter of the Emperor Henry II. in marriage to him.'

But this account is inconsistent with the truth of history. Edward, the son of Edmund Ironside, returned to England in 1057; *Chr. Sax.* p. 169. At that time Solomon, born in 1051, was but *six* years old. He did not ascend the throne of Hungary till 1062. *Five* years after the death of Edward, he married Sophia, daughter of the Emperor Henry III.

It follows, that Solomon could not receive Edward at his court, and could not give his sister-in-law in marriage to him.

Besides, Agatha, the wife of Edward, could not be the daughter of the Emperor Henry II.; for Henry II. had no children. We all know his unnatural crime termed *Sanctity* by a superstitious age, and the declaration which he made to the parents of the virgin Cunegonda.

Papebroch, ad vit. S. Margaretae, 10. Jun. p. 325. has endeavoured to reconcile this genealogy with historical truth. He says, 'That *Solomon* is an error of transcribers, for *Stephen*, and that Edward may have been received at the court of Stephen I. king of Hungary, who began to reign in 1001. Stephen married Gifela, the sister of the Emperor Henry II. Henry had a brother Bruno, who rebelled against him in 1003. This Bruno *may* have gone into Hungary, *may* have married, *may* have had a daughter Agatha, who *may* have been given in marriage to Edward.' *Aldred de genealogia regum Anglorum, p. 366.* says, 'Rex Hungarorum Edwardo filiam *Germani sui Henrici imperatoris* in matrimonium junxit.' Papebroch, by an ingenious conjecture, instead of *Germani sui Henrici*, reads *Germani sancti Henrici*. But there is another passage

1072.

sentiments of devotion, like those which reigned in her own heart †.

William having restored peace in his own dominions *, undertook an expedition against Scotland. He invaded that kingdom by land, while his fleet seconded the operations of the army. Malcolm met him at a place called *Abernithi*, concluded a peace, gave hostages, and did homage. According to the general and most probable opinion, this homage was done by Malcolm for the lands which he held in England †.

Chr. Sax.
181.

Ingulphus, 79.
Flor. Wigorn.
637.

William,

passage in the same page of Aldred, which cannot be cured by this critical application : ‘1057, Imperator Edwardum cum uxore *Agatha, generi sui filia*, ad Angliam mittit.’ The hypothesis of Papebroch is shortly this, and, without it, we can have no genealogy of Agatha and her daughter Margaret, ‘That, instead of *Agatha the daughter of Henry II. and sister-in law of Solomon King of Hungary*, we ought to read, *Agatha the daughter of Bruno, and niece of Gisela, the wife of Stephen King of Hungary.*’

† In *Fordun*, L. v. c. 23. 24. and in *Vit. S. Margaretæ*. Act. sanct. 10. Jun. many circumstances of the private life of Malcolm and his queen are recorded on the authority of Turgot. Turgot was not merely a contemporary writer, living in the shade of a monastery ; he knew the king and queen of Scotland, and was admitted into their confidence ; he hesitates not to apply to the royal pair that maxim of St Paul, 1. Cor. vii. 14. “*The unbelieving husband is sanctified by the wife.*” Malcolm, says he, respected the religion of his spouse, was fearful of offending her, and listened to her admonitions. Whatever she loved or disliked, so did he ; *although he could not read*, he frequently turned over her prayer books, and kissed her favourite volumes. He had them adorned with gold and precious stones, and presented them to her in token of his devotion. She instructed him to pass the night in fervent prayer with groans and tears. ‘*I must acknowledge,*’ adds Turgot, ‘*that I often admired the works of the divine mercy, when I saw a king so religious, and such signs of deep compunction in a laic.*’ There are more circumstances in the narrative of Turgot, which may edify some readers, and excite the scorn of others.

* “*Ubi solitudinem faciunt, pacem appellant.*” *Tacitus.*

† I mean not to recapitulate the arguments in support of this hypothesis. Little can be added to what our antiquaries have said on this popular subject. They wrote

1072.

S. Dunelm.
203. 205.

William, on his return from Scotland, ordered the castle of Durham to be fortified, that it might serve as a barrier against the inroads of the Scots ; he deprived Gospatric of the government of Northumberland, under the pretext that he had secretly instigated the murder of

wrote at a time when some authors in England, with most preposterous policy, endeavoured to depreciate the Scottish nation, by disputing its *antient independency*. At the beginning of this century, an Englishman, who embraced that opinion, might have passed for a learned and public-spirited person ; for easy is the fame of learning and public spirit amid the tumults of party-ignorance ; but now his lucubrations would hardly be admitted into the worst corner of a news paper.

It may, however, be proper to explain that antient testimony of the invasion of Scotland, which is preserved in *Chr. Sax.* p. 181.

I print it in the modern character, from a conviction, that the uncouthness of the Anglo-Saxon character, deters many from examining what they would understand, if they could easily read : “ Her Willelm Cyng laedde scip-fyrde, & land-fyrde to
“ Scot-lande, and the land on tha faechealfe mid scipum ymbelaege, and his land
“ fyrde aet tham gewaede in-laedde, & he thaer naht ne funde thaes the him the
“ bet waere ; & se Cyng Melcolm com & grithed with thone Cyng Willelm &
“ gillas sealde, & his man was, & se Cyng ham gewende mid ealre his fyrde.”

The translation, as literal as the *words* of modern English will admit, runs thus :
“ Here King William led ship-force and land-force to Scotland, and that land on the
“ sea-half with ships beleagured, and his land force at the ford [Gewaede] led in, and
“ he there nought found that to him the better was ; and the King Malcolm came and
“ agreed with that King William, and hostages delivered and his man was, and the
“ King home went with all his force.”

“ *Here*” i. e. “ now, at that time.”

“ *That land on the sea-half with ships beleagured.*” “ The conqueror marched an
“ army into Scotland, while his fleet seconded the enterprize, and cut off all com-
“ munication with the sea.”

“ *Ford,*” in the original, “ *Gewaede.*” This I take to be *Geweoda*, i. e. *Vada. Bre-
via. Fords, or shallows.* Gibson says, *Explic.* p. 29. “ *Gewaede menses pro
“ Tweade fluvio, quo Anglia a Scotia longo spatio discluditur.*” *Gewaede* or *Ge-
weada* was certainly the antient reading ; for, in *Annal. Waverl.* merely a translation
of the Saxon Chronicle, in this place the words are “ *exercitum suum apud Scotwade*
“ *intro-*

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of Comyn, the former governor. Gospatric retired into Scotland, and having ingratiated himself with Malcolm, obtained a grant of lands near the eastern marches. It was noble to forgive Gospatric, but, to trust him, imprudent. Gospatric, however, abused not this extraordinary

“introduxit;” p. 131. According to Gibson’s interpretation, both readings are of the same import; for he supposes that the *passage* into Scotland was *the Tweed*, and that the Conqueror crossed *there* with his army. Of this there will be occasion to speak hereafter.

“*He there nought found that the better was to him.*” Gibson translates the passage in a like sense: “*Nihil ibi reperit quod sibi commodo esset.*” And *Annal. Waverl.* p. 131. “*Ibi nihil invenit, quod sibi melius esset.*” A translation so purely in the Anglo-Saxon idiom, that a Roman would not have understood it! I imagine, that the sense is, “William reaped no benefit from his Scottish expedition.” They who are better skilled in the Anglo-Saxon language than I am, will determine whether the words may not be thus paraphrased. “William found the country cleared of its inhabitants and cattle, according to the policy of the borders; so that nought but a wilderness lay before him.”

“*Malcolm came*” “*apud Abernithi,*” in *Ingulphus*, p. 79. “*in loco qui dicitur Abernithici*” in *Flor. Wigorn.* p. 637. “*Abernitici,*” in *R. de Diceto*, p. 486. “*Abrenitici*” in *Walsingham*, p. 439. Antiquaries are divided in opinion concerning the place called *Abernithi*, &c. It is highly improbable that *Abernethy*, on the south bank of the river Tay, should be *here* intended. That place lies distant from any route which so prudent a commander as William would have taken in an expedition against Scotland. He might indeed have come to *Abernethy*, had he invaded Scotland by sea, and landed in the Frith of Tay; but of that there is no appearance. The Saxon Chronicle describes the march of William as by land through a known passage into Scotland, and mentions the fleet as merely subservient to the expedition by land.

M. Westm. supposes, that, by *Abernithi* was meant *Berwick*; for he says, “*Rex Guilielmus cum grandi exercitu Scotiam ingressus est, et obviavit ei pacificè Malcolmus Rex Scotorum, apud Barwicum;*” p. 227. This shews that *M. Westm.* supposed, that, in the times of William the Conqueror, the boundaries of Scotland were what they are at present. It also seems to show, that, instead of *Abernithi*, *M. Westm.* read *Aberwich*, *Aberwick*, or some similar word. See *Camden Britannia*, p. 863. If, as Gibson supposes, *tham Gewaede*, in the Saxon Chronicle, means *the Tweed*, it is not unlikely

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mary confidence; on the contrary, amid the temptations of independence, he maintained his fidelity.

After

likely that the congress may have been held at the place now called *Berwick*, or in its neighbourhood.

Here I cannot but express my wish, that they who have the opportunity, would inspect the MSS. of Ingulphus, Florence of Worcester, &c. whereby the true reading might be ascertained. The publishers of the English historians have frequently mistaken the names of places, and, in particular, of places in Scotland. Thus, in *Chr. Melros*, there are names so disfigured as to be hardly intelligible; as *Eaglefuret*, probably for *Ecclesbret*, or *Ecclesia Bridgidae*, now *Bride-kirk*, near Annan. *Peit* for *Pert* or *Perth*; *Ac* for *Are* or *Air*.

Mr Goodall, *Introd. ad Fordun*, ingeniously conjectures, that *Abernithi* may imply a place at the confluence of the rivers *Nith* and Solway, or Eden. With this hypothesis, the etymology of the word exactly corresponds. *Aber* is in Gaelic the *Mouth*, and *Nith* is the river producing what is called in England *wasbes*. It must also be admitted, that no passage into Scotland can so properly receive the appellation of *Geweada*, *Vada*, or *Brevia*, as the passage by Solway.

There is a circumstance mentioned by *M. West*. p. 227. which, if true, would greatly strengthen this hypothesis. He says, that William 'rediens a Scotia per Cumbriam,' deprived Ralph de Meschines of the city of Carlisle, and, in lieu of it, gave him the earldom of Chester. If William returned from Scotland by Cumberland, it might be presumed, that he had come from the banks of Solway; but the story is fictitious. It was the son of this Ralph de Meschines, who succeeded to the earldom of Chester about 1120, and then resigned his possessions in Cumberland to Henry I.; *Leycester, Antiquities*, p. 118.

Should it still be supposed most probable, that William entered Scotland by the east marches, I think that *Abernithi* must be sought for in the neighbourhood of those marches. In his invasion of Scotland, William, like a wise general, would keep as near the sea-coast as possible. It is remarkable, that Edward I. conquered Scotland without ever departing four miles from the sea-coast: Hence it follows, that the natural place for an interview between the two kings was at the mouth of a river. The Tine in East-Lothian might, with great propriety, be termed *Abernithi*.

That which has bewildered many writers on this subject is, the mention of *Scot-wade* in English historians. They have supposed that *Scot-wade* was *Scot-water*, or *Mare Scoticum*, now called *The Frith of Forth*: And having once made William cross the

1072.

S. of Durham assigns this farther cause for the disgrace of Gospatric, that he had assisted the enemy at the siege of Yorke; but we may presume that William had pardoned that offence, when he won him over from the confederacy *. S. Dunelm, 203.

1073.

After the discomfiture of the Northumbrians, Edgar Ætheling had sought refuge in Scotland, and had been entertained with honour at S. Dunelm, 205.
the

the Frith of Forth, they, with the assistance of the map, conduct him to *Abernethy* near the Tay, through forests and formidable *defiles*.

Scotwade is undoubtedly a version of the Anglo-Saxon *Gewaede* or *Geweada*, as appears from *Annal. Waverl.* already quoted. It seems equally certain, that no Anglo-Saxon would have used that word to denote the deep sea, now called *The Frith of Forth*. All the confusion has arisen from men not attending to this, 'That the two English words *Scot-wade* and *Scot-water*, though somewhat similar in sound, are totally different in sense.'

It must not be dissimbled, that Aldred, who flourished in the reign of David I. supposes the following expression to have been used by Walter l'Essec, in his military harangue before the battle of the Standard: 'Isti sunt utique qui nobis quondam non resistendum sed cadendum putarunt, cum Angliae victor Willelmus Laodonom, [Laodonom] *Calatriam*, Scotiam usque ad *Abernith* penetraret, ubi bellicosus iste Malcolmus deditione factus est noster;' *de bello standardii*, p. 340. I know not what *Calatria* signifies, unless it be Calendar, or the district near the source of *The Teith*. If that be the district understood by Aldred, all the hypotheses which I have mentioned are equally erroneous, and *Abernethy* must be sought for in the more northern parts of Scotland.

'*That king*,' in the original, *thone*, i. e. *yonder*, as *ille* in the Latin, and *celui là* in French. The word is still used among the natives of Scotland, who have preserved many reliques of the Anglo-Saxon language. It seems probable, from the expression, *yonder king William*, that this part of the Saxon Chronicle was composed during the reign of the *other* William, or William Rufus. *Hostages*, A. S. *gislas*. It may be considered whether this be not the same with *wissles*, i. e. *exchanges*; *wisselen*, to exchange is still used in low Dutch. The Scots used it in the reign of James V. 'quhilk reputis fare to *wissil*,' i. e. 'qui bene credit *emi*;' *G. Douglas*, p. 283. 15.

* It afforded a more specious pretext for ruining him, that he had counselled or abetted the murderers of Comyn. [*consilio et auxilio*, S. Dunelm.] William bestowed the government
of

1073.

the court of his brother-in-law. Becoming impatient under his exile, he surrendered himself to William. William received him favourably, and conferred an ample pension † on the mean-spirited prince. Such was his imbecillity of mind, that he, who had been vulgarly stiled *England's darling*, now sunk into universal contempt ‡.

Nothing

of Northumberland on another Northumbrian, who had been in arms against him, Waltheof, the son of Earl Siward. By this hazardous policy, he probably meant to excite and perpetuate factions in that country. The grant made in Scouland to Gospatric is thus described: 'Donavit ei rex Dunbar, cum adjacentibus terris in Lodoneio, ut ex his, donec laetiora tempora redirent, se suosque procuraret;' *S. Dunelm*, p. 205. The descendants of Gospatric were termed Earls of *Marche*, and sometimes of *Dunbar*, from the name of their principal castle. Thus in England, the Earl of Suffex, from his residence at Arundel-castle, was frequently stiled Earl of Arundel: For a like reason, Ferrers Earl of Derby, was stiled Earl of Tutbury. The celebrated Gilbert [Strongbow] Earl of Pembroke, was sometimes stiled Earl of Striguil, because he had his chief residence at Striguil castle, near Chepstow in Monmouth-shire; *Dugdale, Introduction to baronage*. The Earls of March possessed the castle of Coldbrandspath as well as the castle of Dunbar; the possessors of those castles held the keys of the kingdom. It will be seen, in the progress of this history, that the independency, which the situation of the March estate suggested to the posterity of Gospatric, proved exceedingly prejudicial to Scotland. Boece gives a ridiculous account of the origin of this potent family: 'About the year 1061,' says he, 'a formidable band of robbers infested the south-east part of Scotland. One Patrick Dunbar attacked them, slew six hundred, hanged four score, and presented the head of their commander to the king. That valour might not remain in obscurity, the king created him Earl of March, and bestowed on him the lands of Coldbrandspath, to be held by the tenure of clearing East-Lothian and Merse of robbers, and of bearing a banner, whereon *the bloody head of a robber* was painted;' L. xii. fol. 256. b. Boece did not even know that the Earls of March gave a *white lion*. The whole is an ignorant fiction.

† *William of Malmfbury*, p. 103. says, that he had a daily allowance of a pound of silver. According to Lord Littelton's computation, *in note*, Vol. i. p. 80. 8vo edit. this was equal in yearly value to L. 5375 of our times.

‡ Malmfbury adds, That Edgar was so simple, as to relinquish his pension, on receiving a horse from the king in exchange. It is probable, that William offered to make

1079.

Nothing is known of the occurrences of the reign of Malcolm *S. Dunelm,*
from 1072 until 1079, when he again invaded Northumberland, and ^{210.}
wasted the country as far as the river Tine. At that time William *Chr. Sax. 184.*
was engaged beyond seas in war with his son Robert. His absence
from England, perhaps, encouraged Malcolm to renew hostilities.
'Princes,' according to John Major, 'observe treaties while they *Major, iii. 6.*
'will *.'

1080.

William having been reconciled to his son Robert, entrusted him *S. Dunelm,*
with the command of an army against Scotland. The enterprize ^{211.}
proved unsuccessful †; and Robert made an inglorious retreat. To
curb the invasions of the Scots, he erected a fortress near the river
Tine, called *Newcastle*.

1087.

William the Conqueror died [9th September.] He was succeeded *S. Dunelm,*
by his second son William, vulgarly called *Rufus* ‡. ^{214.}

Rufus,

make this exchange, merely to expose the simplicity of one whom the English were
wont to consider as the rival of the Norman family. We cannot imagine, that Wil-
liam would have reduced *him* to indigence, on whom, for political reasons, he had set-
tled so large a pension. The index to Malmsbury supposes, that Edgar paid a pound
of silver for a horse! *Edgarus libram argenti pro uno equo donat.*

* 'Reges pacem servant quando volunt;' a motto which would have better suited
the coins of many sovereign princes, than those texts of scripture do, which they have
affected to inscribe on them.

† 'Rex Willielmus autumnali tempore Rodbertum filium suum Scotiam contra
'Malcolmum misit; sed cum pervenisset ad *Egglesbreth*, nullo confecto negotio rever-
'sus, Castellum Novum super flumen Tyne condidit;' *S. Dunelm*, p. 211. I think
the place here termed *Egglesbreth* may be still ascertained. *Eggles* is plainly *Ecclesia*
or *Kirk*. Leland, *Collectanea*, Vol. i. p. 356. reads *Egglesbirch*; but Chr. Melros, *Ea-*
glesuret: So that the last syllable of the word is exposed to every fanciful conjecture.
There is a place near Annan, called *Bride-Kirk*; in Latin, *Ecclesia Bridgidae*; this
I understand to be the place here meant.

*The original MS. Chron. of Malmsbury
reads thus
Rex Willm filius suu Rodberti p
malcolm in scotiam p[er]g[ress]us ad eaglesuret
misit. ms. Coll. Faust. B. ix. f. 14 v.*

‡ It would appear like affectation to give him any other name. Yet, it is certain,
that

1087.

S. Dunelm.
214.

Rufus, immediately after his accession, released a son of Malcolm, probably an hostage, and conferred the honour of knighthood on him *.

1091.

Chr. Sax. 197.

Edgar Ætheling, abandoning the court of William the Conqueror, had settled in Normandy, where Robert Earl of Normandy made a grant of lands to him; but he now resumed the grant †, and forced the unhappy Prince again to seek refuge in Scotland. Historians do not explain this part of the conduct of Earl Robert, so inconsistent with his easy generous character. It was, probably, owing to some secret preliminary of the peace then negotiating between Earl Robert and his brother William Rufus.

It appears, that William Rufus withheld from Malcolm some part of the English possessions to which Malcolm claimed right. If William was the cause of the expulsion of the brother of Margaret from Normandy, this affront would contribute to exasperate Malcolm, always intent on the invasion of England.

S. Dunelm.
216. 218.

In the month of May, the King of Scots invaded England, penetrated

that the English called him William the *Red*, and the French *le Rouge*, not *le Roux*; and that *Rufus* is merely an inaccurate translation by the historians who wrote in Latin.

* ‘Ulfum Haroldi quondam regis filium, Dunechaldumque regis Scottorum Malcholdi filium, a custode laxatos, et armis militaribus honoratos, abire permisit;’ *S. Dunelm.* p. 214. This son of Malcolm is probably *Duncan*, his natural son, whom the historian calls *Dunechald*. I suppose that he had been surrendered up as an hostage, in consequence of the treaty 1072. It is true, that Malcolm had a son by his wife Margaret, called *Ethelred*, who became abbot of Dunkeld, and might be termed *Dunechaldus* or *Dunecaldensis*; but he must have been very young at this time; and it would have been an insult, rather than an honour, to have made him a knight. I therefore conclude, that *Duncan*, the natural son of Malcolm, is here meant.

† The *Sax. Chr.* says briefly, that Edgar was deprived of his lands in Normandy, p. 297.; but *S. Dunelm.* p. 216. expresses the matter thus: ‘Rex non multo post Edgarum Clitonem honore, quem ei comes dederat, privavit, et de Normannia expulit.’

1091.

trated to Chester *le Street*, between Newcastle and Durham; there having received intelligence that some troops were assembled to oppose his progress, he avoided battle, and retreated. In the month of August, William Rufus and his brother Robert, arrived in England from Normandy. William prepared a mighty armament against Scotland. His fleet was destroyed by a tempest about the end of September. Ne- Sax. Chr. 147.
vertheless, he marched his army to encounter Malcolm. Malcolm, hearing of his approach, 'advanced with his forces out of Scotland 'into *Lothene in England*, and *there* remained.' These are the words of the Saxon Chronicle, which have been, and probably will ever be, the subject of fruitless controversy *. Robert concurred with Edgar

* 'He for mid his fyrde ut of Scotlande into *Lothene on England*, and thaer abad;' *Sax. Chr.* p. 197. The words of *S. Dunelm*, p. 216. are 'Cui rex Malcholmus cum 'exercitu in provincia *Loidis* occurrit.' The question is, what we are to understand by *Lothene on England*, and *provincia Loidis*. Some writers think, that *Lothene on England* means what is now called *Lothian in Scotland*; others, that *provincia Loidis* means the territory of *Leeds in Yorkshire*; and that *Lothene on England* must be understood of the same place. I am not satisfied with either hypothesis. 1. There is no reason to believe, that the *Chr. Sax.* by *Lothene on England*, meant what is now called *Lothian*; the word *Lothene* occurs but twice in *Chr. Sax.* at this place, and at p. 229. where 'se 'Biscop of Lothene J.' is mentioned. *J. Biscop of Lothene* could not mean *J. Biscop of Lothian*, as has been elsewhere shewn, *Remarks on the History of Scotland*, p. 81.; and if *Lothene* put simply does not mean *Lothian in Scotland*, it would be strange if *Lothene in England* did. There is the highest probability that *Chr. Sax.* understood the passage into Scotland to be at Solway or at the Tweed. This is inconsistent with the idea of *Lothian* being in England, or of its being distinguished from Scotland as a kingdom, in the days of Malcolm III. But, 2. There is no reason to believe, that, by *provincia Loidis*, *S. Dunelm* meant the territory of *Leeds in Yorkshire*. It will be remarked, that Malcolm invaded England in May 1091, that he retreated from Chester *le Street*, and that the meeting between Malcolm and William Rufus must have been as late as October 1091; for it happened after the destruction of William's fleet by a tempest, in the end of September: If then *Loidis provincia* means *Leeds*, it follows, that Malcolm must have invaded England a second time, in autumn 1091, and must have penetrated farther south than he did in his expedition in May 1091. Now, this
is

1091.

S. Dunelm.
216.

gar Ætheling in negotiating a treaty of peace between the two Monarchs. A peace was concluded through the mediation of the benevolent and well-meaning negotiators. Malcolm consented to do homage to William; William consented to restore twelve manors which Malcolm had held under the Conqueror, and to make an annual payment to him of twelve marks of gold. This payment was probably in lieu of some other lands, which the Scottish King claimed, and the English was unwilling to surrender.

Chr. Sax. 198.

At the same time, William was reconciled to Edgar Ætheling. The two kings mutually withdrew their armies, and harmony seemed to be re-established between them. Not many weeks had passed, when the Earl of Normandy withdrew from England, conducting Edgar Ætheling with him, and retired to his own territories. This precipitant retreat was ascribed to the delays which William made in fulfilling the conditions of the treaty concluded with his brother, before their arrival in England †.

Flor. Vigorn.
645.

William

is inconsistent with the general report of historians, who agree that Malcolm invaded England *five* times; 1. in 1061, 2. in 1070, 3. in 1079, 4. in May 1091, 5. in autumn 1093. Had he invaded England in autumn 1091, and proceeded into Yorkshire, the number of his invasions would have been *six*, not *five*. I have sometimes thought that there is an error either in the MSS. or printed copies of the Saxon Chronicle, and that the word should be *Lothere*, not *Lothene*: The difference between the Anglo-Saxon *n* and *r* is very minute, and might be easily mistaken; the *r* is formed by drawing the first stroke of the *n* a little below the line. If this conjecture could be admitted, the place where the two kings met may have been *Lothere*, now *Lowther*, in the north parts of Westmoreland, near the borders of that district of Cumberland which Malcolm possessed, and in the neighbourhood of Penrith, the place concerning which, as I imagine, the controversy then was.

† This is the sense of *Chr. Sax.* p. 198. It is more fully expressed by *Flor. Vigorn.* p. 645. ‘Rex secum ferè usque ad nativitatem Domini comitem secum retinuit; sed ‘*conventionem inter eos factam illi persolvere noluit. Quod comes graviter ferens, decimo kal. Januarii die cum Clitone Edgar Normanniam repetiit.*’ I mention this, because Sir James Dalrymple, p. 160. seems to ascribe the disgust of the Earl of Normandy

1092.

William erected a castle at Carlisle. The establishment of this barrier against the Scots, although politically necessary, might be considered as incroaching on the freedom of the territories which Malcolm held in Cumberland. *Chr. Sax. 198]*

1093.

It would seem that Malcolm remonstrated against this measure, and that the English nobles were solicitous to preserve the tranquillity of the two nations. A personal interview of the Kings was proposed. For that purpose, Malcolm repaired to Gloucester * [24th August.] William required him to do homage *there*, in presence of the English Barons: *This* Malcolm absolutely refused; but he offered to do homage, as the use had been, on the frontiers, and in presence of the chief men of both kingdoms †. William was advised by some of his counsellors to detain the Scottish King; but he rejected the suggestions of cowardly policy, and dismissed him with scorn. *S. Dunelm, 218.*
W. Malmfbury, 122.

Malcolm,

mandy to William's neglect in performing the articles of the treaty with the king of Scots. It is true, that a quarrel arose between William and Malcolm; but it did not, properly speaking, relate to the articles of the treaty in 1091; nor did it happen till the following year.

* Malcolm, in his progress to Gloucester, visited Durham, and assisted at laying the foundation-stone of the cathedral, 11th August 1093; *S. Dunelm*, p. 218. He was assisted by William, bishop, and Turgot prior, of Durham. Selden has urged very plausible reasons to prove that the history, which passes under the name of *Simeon Dunelmensis*, is the work of Turgot, with some additions and interpolations; *Preface to Twissden's Collection*.

† This curious circumstance is related by *S. Dunelm*, p. 218. 'Malcholmum videre, aut cum eo colloqui, prae nimia superbia et potentia, Willielmus despexit; insuper etiam illum ut secundum judicium tantum baronum suorum in curia sua rectitudinem ei faceret, constringere voluit; sed id agere nisi in regnorum suorum confiniis, ubi reges Scottorum erant soliti rectitudinem facere regibus Anglorum, et secundum judicium primatum utriusque regni, nullo modo Malcholmus voluit.' The last homage had been performed at *Abernithi*; this passage shews, that *Abernithi* was a place situated on the borders of the two kingdoms.

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Chr. Sax. 199.
S. Dunelm,
218.

Malcolm, exasperated at this contumelious usage, assembled a tumultuary army, burst into Northumberland, and renewed the miseries of that unhappy province. He attempted to possess himself of the castle of Alnwick: Robert de Moubray unexpectedly attacked him *: Malcolm was slain † [13th November.] His eldest son fell with him ‡. The Scottish army, astonished at this fatal event, could neither revenge the death of their Sovereign, nor defend themselves; they

* 'Proximâ hyme, ab hominibus Roberti Comitis Hunbronensium magis fraude, quam viribus, occubuit;' *W. Malmſbury*, p. 122. Fordun relates, L. v. c. 25. That the castle of Alnwick was fore pressed, and that the garrison despaired of relief; that, in this extremity, one of the besieged came out bearing the keys of the castle on the point of his spear, and, pretending to offer them to the King, pierced him with his spear, and escaped. Fordun relates the vulgar story, that the soldier who atchieved this desperate deed, received the appellation of *Pierce eye*, [or *Percy*,] because he had pierced the eye of Malcolm. But Fordun honestly adds, That he did not believe it. 'Vulgariter dictum est; sed, quia in scriptis neque authenticis, sine apocryphis, hoc reperi, eâdem facilitate contemnitur quâ approbatur.' This story had too much of the marvellous to be omitted by Boece; L. xii. fol. 260. 1. That he might be the more accurate in his narrative, he says, that the soldier pierced the *left* eye of Malcolm. *Ordericus Vitalis*, p. 701. has ventured to assert, that Malcolm did not invade Northumberland in 1093; but that, as he was returning from the conference with William Rufus, he was set upon and assassinated by Robert de Moubray. Vitalis compares the manner of Malcolm's death to that of Abner in the Old Testament. Yet this Vitalis has had the good fortune to be quoted as an historian of singular credit!

† By Morel of Bamborough, Moubray's steward; *Chr. Sax.* p. 199. He is said to have been Malcolm's *God-sib*, or *Gossip*, in French, *Compere*; that is, Malcolm and he had stood godfathers together. This created a spiritual affinity in those days, like that of brothers. Gibson translates the expression thus: *Malcolmi Regis susceptor*, which, in strictness of speech, implies 'the godfather of Malcolm.' He might have said, in the Latin of the lower age, 'Una cum Malcolmo susceptor.'

‡ I have said, on the authority of the Saxon Chronicle, p. 199. and *S. Dunelm*, p. 218. 'That his eldest son, Edward, fell with him.' Fordun however, L. v. c. 25. observes, that prince Edward was mortally wounded in the retreat of the Scottish army, died 15th November, at Edwardisle in the forest of Jedwood, [al. Redwere], and was buried at Dunfermline in the church of the Trinity, before the altar.

It must not be forgotten, however, that this story is also mentioned by the author of the Scalacronica, fol. 150, a fact which renders it rather more worthy of attention.

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they fled. Many were slaughtered by the enemy, or drowned in their flight.

Moubray deposited the body of the King of Scots at Tinmouth.

Margaret, the wife of Malcolm, only survived to hear of the death of her husband and her eldest son. [She died 16th November.]

In reviewing the reign of Malcolm III. we may discern a character of steady persevering courage. From his early youth, to his last invasion of England, his conduct was uniform. He maintained his throne with the same spirit by which he won it. Though he was the ruler of a nation uncivilised, and destitute of foreign resources, and had such antagonists as the Conqueror and William Rufus to encounter; yet, for *twenty-seven* years, he supported this unequal contest, sometimes with success, never without honour. That he should have so well asserted the independency of Scotland, is astonishing, when the weakness of his own kingdom, and the strength and abilities of his enemies are fairly estimated. Through the exaggerations of contemporary historians, we may discover, in Malcolm, the traces of the barbarity and superstition of his times; but, if we would judge with truth and candour, we must try men by the standard of their own age *.

An incident is related concerning Malcolm which is highly descriptive of his character. Having received intelligence that one of his nobles had formed a design against his life, he sought an opportunity of meeting the traitor in a solitary place: 'Now,' said he, 'unsheathing his sword, we are alone and armed alike; you seek my life, take it †.' The penitent threw himself at the king's feet, implored forgiveness, and obtained it.

*Aldred, Gen.
Reg. Angl.
367.*

The same story is given in the Scalacronica, where the chronicles of Scotland are cited as authority.

Of

* I have read somewhere of a Frenchman, who called Caesar a pedant for writing his Commentaries in Latin.

† Aldred, *Genealog. Reg. Anglor.* p. 367. relates this story from the mouth of David I. King of Scots. *Nobili Rege David referente.* He mentions many circumstances of

D

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Boece xii. 256.

Of Malcolm's character, as a politician and a law-giver, much has been said by various authors. Boece affirms, that, immediately after his accession, he held a parliament at Forfar, and restored to their estates, dignities, and jurisdictions, all the nobles whose fathers had been murdered by M'Beth; that he enacted, that men should assume surnames from the lands which they possessed; and that he invented new titles of honour, as those of Earls, Barons, and Knights.

*Essay concern-
ing British
Antiquities.
Ess. 1.*

Later writers have ascribed still greater things to the foresight, deep judgment, and extensive ambition of Malcolm III. They hold, that he introduced the feudal law into Scotland.

That Malcolm assembled a convention of the chief men of his kingdom *, immediately after his accession, is very probable. It is also probable, that he restored the families of those persons, if any such there were, who had forfeited in the reign of his predecessor.

All the other political operations of Malcolm are merely conjectural; some of them are imaginary.

It

of a hunting match, and of the means which Malcolm devised in order to have a private interview with the traitor. Such circumstances may add to the credibility of the narrative, but do not interest the reader. I have, therefore, omitted them. I have also omitted a long declamatory speech which Aldred has ascribed to Malcolm, and which, I presume, he considered as a master-piece of rhetoric. This *historian* is the person whom Fordun styles *Baldred*. He was esteemed a saint, and called *B.* [or *Beatus*] *Aldred*. Transcribers have converted the abbreviation of his faintly character into part of his christian name. Lord Lyttelton observes, that an action, resembling that of Malcolm, is ascribed to Darius Hystaspes in *Ælian's Various history*; but he has given very probable reasons to prove that Aldred knew nothing of *Ælian*.

* The word *parliament* was not known among us in that age. *Ingulphus*, p. 103. uses the word in a singular sense: 'Concessimus serjantiam infirmariae nostrae, tunc
' Ulfino Barbour, qui veniens coram conventu in nostro publico *parlamento* juramen-
' tum praestitit, quod fidus et fidelis nobis foret, et officium suum diligenter uti haec-
' nus custodiret. Recitavimusque tunc illi officium suum, scilicet, *radet totum conven-*
' *tum in ordine suo absque aliqua personarum acceptatione, nisi forte aliquis senior ultro post*
' *junioem voluerit expectare.*'

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It may be admitted, that, in his time, the title of *Earl* came into use*, and that a person, who had large possessions in that territory over which the sovereign had appointed him to be a judge, did transmit the office of judge, together with his possessions, to his descendents.

Further, it is probable, that some men who had been formerly called *Thanes*, did now assume the appellation of *Earls*: But it is a great error to imagine, that, 'From the time of Malcolm III. downwards, there is not a word of *Thanes* †.'

There is no reason for supposing that Malcolm III. instituted the order of *Barons*, but this, that we know little of the interior polity of Scotland,

* *Boece*, L. xii. fol. 256. a. says, that Malcolm III. created the following Earls, Fife, Monteith, Athole, Lenox, Moray, Cathenefs, Ross, and Angus. This list appears erroneous. The most zealous partisans of the *Lenox* family make no mention of an Earl of Lenox before Alwin M'Arkill in the reign of Malcolm IV. *Monteith*, *Athole*, *Moray*, *Caithness*, are found in the reign of David I. *Ross*, in the reign of Malcolm IV. *Angus*, in the reign of William. Nothing more is known concerning their original.

† Many proofs of this might be produced: The following may suffice. In a charter, granted by Alexander II. mention is made of 'Firmarii vel *Thayni* praepositurae de Kynmyly;' *Chart. Morav.* v. i. fol. 14. 'In inquisitione facta per Dominum Alexandrum, Dei gratia, Episcopum Moraviensem, super fundatione capellani super ripam de Dow, an. Domini 1369, compertum est per juratos, quod modus introducendi istam fundationem fuit quod contigit, quod iste Simon *Thanus* praedictus fuerit *Thanus* utriusque *thanagii*, scilicet, de Conwauth, et de Abkerdor, et deliquerit contra regem, ita quod rex saisinaret utrumque *thanagium*; et *Thanus*, videns quod non potuit recuperare a rege, concessit sex davatas terrae de Conwauth Comiti Buchaniae, ut possit recuperare aliud *thanagium* de Abkerdor, et quod fundaret illam capellam de quatuor marcis;' *Chart. Morav.* v. i. f. 81. The grant by Simon the *Thane* is witnessed by A. Bp. of Murray, i. e. Andrew, Bp. from 1222, to 1242. 'Thanagium de Scona 7mo, Rob. I.;' *Chart. Scone*, fol 55. A grant of Urchanybeg to Donald *Thane* of Caldor 1421; *Chart. Morav.* v. i. fol. 55. William Caldor de eodem is called *Thayn* of Caldor in 1492; *Ch. Morav.* v. i. fol. 98. I say nothing of *Reg. Maj.* L. iv. c. 36. where both *Comes* and *Thanus* occur.

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John M^r Pher.
Dif. 180. &c.

Scotland, and, consequently, cannot tell what orders of men existed before the eleventh century. That the name of *Baron* cannot be much more antient, I admit ; but I see nothing to induce me to believe that the northern *Tierna* differed essentially from a *Baron*.

As to the order of *knights*, it is an imagination of Boece, in which he has had few followers, and none of authority.

That *surnames* became frequent in the days of Malcolm III. may be true ; for we see them used in the reign of his sons ; yet I need not produce any evidence to prove, that, long after the days of Malcolm III. many considerable land-holders assumed no surnames from their lands.

I ascribe the use of surnames to imitation. Many Normans and other foreigners acquired lands in Scotland ; they distinguished themselves by the appellation of their lands, and their example was gradually followed by many of the natives *.

That Malcolm III. introduced the feudal law into Scotland, in the form of a system, is an ingenious, but visionary hypothesis.

Our writers long believed, that the introduction of the feudal law into Scotland was to be ascribed to the policy of Malcolm II. Boece averred, that *LL. Malcolmi* were *his* laws. Our historians, lawyers, and antiquaries gave implicit credit to Boece ; and no wonder ; for it was a story already framed, and popularly believed.

At length, it was discovered that this hypothesis could not be reconciled to the truth of history, or the laws of sound criticism ; yet still the

* Boece, L. xii. fol. 256. a. says, that some assumed surnames from the proper names of the person by whom their families became distinguished ; he gives the examples of *Kennedy*, *Graham*, and *Hay*. Where Boece found a *Kennedy* in Scotland during the reign of Malcolm III. I know not. He supposes *Graham* to be the descendent of him, who is said to have forced the Roman wall about the beginning of the 5th century ; and he derives *Hay* from the fable of Luncarty. Montrose and Errol stand in no need of fictitious genealogies.

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the genuineness of *LL. Malcolmi* was assumed as an axiom. It appeared from record, that the matters therein contained could not respect the times of Malcolm IV.; nothing therefore remained, but to pronounce them to be the statutes enacted in the reign of Malcolm III.

Were we to grant, that *LL. Malcolmi* are the genuine statutes of a *Malcolm* King of Scots, the argument is demonstratively conclusive; for these are the words of the very first chapter: 'King Malcolm distributed all the land of the kingdom of Scotland to his men, and retained nothing to himself in property, except the royal dignity, and the *Moot-hill* at Scone, and *there* the barons granted the *ward*, and the *relief* of the heir of each baron, for the maintenance of the king *.' It is now acknowledged on all hands, that *this* must relate to times more recent than those of Malcolm II. and more early than those of Malcolm IV.

An attempt has been made to prove, from internal evidence, 'That the collection, entitled *LL. Malcolmi*, is an idle fiction of the *fourteenth* century, not an authentic work of the *eleventh*.' As this proposition has never been refuted, I hold that the hypothesis of the introduction of the feudal law by Malcolm III. receives no support from *LL. Malcolmi*.

LL. Malcolmi.
c. 1.

Of LL. Malc.
Edin. 1769.

A minute inquiry into the rise and progress of the feudal law in Scotland is inconsistent with the nature of this work. That a fabric so vast should have been reared by Malcolm III. is most improbable.

He was a prince utterly illiterate: Of intrepid courage, but of no distinguished abilities. With respect to the internal polity of his kingdom, he appears to have been guided by Queen Margaret. Her sex, education,

* 'Dominus rex Malcolmus dedit et distribuit totam terram regni Scotiae hominibus suis: Et nihil sibi retinuit in proprietate, nisi regiam dignitatem, et Montem Placiti in villa de Scona. Et ibi omnes Barones concesserunt sibi wardam et relevium de haerede cujuscunque Baronis defuncti, ad sustentationem Domini Regis;'
LL. Malcolmi, c. 1.

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education, studies, and disposition, allow us not to ascribe the introduction of the feudal law to her counsels.

There is no reason for imagining that Malcolm III. made any considerable donation of crown-lands. As M'Beth was deserted by his partisans, before the conclusion of the war, we may presume, that the estates of his family alone accrued to the crown at the accession of Malcolm. Malcolm, therefore, was not possessed of any new sources of liberality; and that he did not lavish the antient demesnes of the crown, is evident from the many and ample grants which his son David made to the church.

I am of opinion, that the feudal law was gradually introduced into Scotland, not by the authority of any one monarch, or in the course of a single reign; but by the silent operations of the fears and prejudices of men concurring with the accidental state of the kingdom.

1. Many strangers fixed their residence in Scotland, during the reign of Malcolm III. and his sons. They acquired estates by marriage, by occupying waste lands, by purchase. As, in their *own country*, they knew that security, in the enjoyment of lands, depended on a charter or written grant, they would not believe, that, in a *foreign country*, there was any security by the mere act of possession, without writing; neither would they hesitate to hold their lands under conditions which were familiar to them.

2. Such strangers would impose conditions, the same in nature, and perhaps severer in degree, on all who held of them *. When, by any accident of purchase or gratuitous grant, those inferior possessors of land were enabled to hold of the crown, the royal charter would contain all the conditions of the former charter. The sovereign would

* It may be remarked, that the feudal services of a bond-man are the same with those of the most noble fief, but in miniature, as it were, and on a smaller scale.

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would naturally demand this, and the vassal would as naturally consent to it.

3. While the vestiges of the old custom of *Tainistry* remained, every father would wish to secure his estate to his infant son. *This* could only be done by his taking a feudal charter from the crown, and placing his infant son under its protection.

4. While the administration of justice was precarious, and every powerful man was an oppressor, small proprietors of land could not defend themselves from the violence of the great, without the aid of some protector. With that view, they resigned their lands to him, and received them back, under the condition of performing feudal services.

5. In disorderly times, it often happens, that lands are acquired with insufficient titles, obtained by fraud, or usurped by violence. A charter from the crown would have the appearance of ratifying the possession by royal authority.

6. Even he who had succeeded to his ancestors would wish to have his possession confirmed by a charter from the crown. If molested, he could plead on it; without it, he could only plead on possession, of dubious or difficult proof. Whenever men found it necessary to seek a charter, which the crown was not obliged to grant, we may be assured that conditions, favourable to the crown, would become prevalent.

7. In those days, ecclesiastics were wont to obtain written evidence of all grants in their favour. Their state, and the perpetual succession in their order, exempted them from *ward* and *relief*; yet they sought from every sovereign a *renewal* of the grants made by his predecessors. Ecclesiastics were justly esteemed to be the persons most prudent and sagacious: Their practice would be followed by the laity, conscious of their own ignorance in all matters of civil life.

These

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These I consider to have been the chief causes of the introduction of the feudal law into Scotland. Some of them would operate more speedily and forcibly than others; yet each would have a gradual influence on the minds and conduct of men. It was not in one reign, or, perhaps, in the course of one century, that they would produce their full effect. Nay more, I believe, that it would be found, on inquiry, that, in some parts of Scotland, the feudal system did not begin to prevail, till its rigor began to be mitigated in others.

I might also observe, that every new forfeiture would add strength to the feudal system, by enabling the crown to make grants of the lands forfeited, under the wonted conditions of fiefs. Thus would this important change be accomplished, not on any extensive plan of policy or ambition, but, by a natural train of consequences, helped forward from time to time by favourable accidents.

During this reign, a great change was introduced into the manners of Scotland. Malcolm had passed his youth at the English court; he married an Anglo-Saxon Princess; he afforded an asylum in his dominions to many English and Norman malecontents*. The King appeared in public with a state and retinue, unknown in more rude and simple times, and affected to give frequent and sumptuous entertainments to his nobles. The natives of Scotland, tenacious of their ancient customs, viewed with disgust the introduction of foreign manners

* Boece, L. xii. fol. 258. a. says, that the partisans of Edgar Ætheling were outlawed by William the Conqueror, sought a retreat in Scotland, and all received grants of lands from Malcolm. Of them Boece mentions the following families: *Lindsay, Vaux, Ramsay, Lovel, Tours, Preston, Sandilands, Bisset, Soulis, Wardlaw, and Maxwell*. But I consider this list as drawn up from the imagination of Boece, without any regard to historical truth. Some of the names in it are Norman, others local. Boece also gives a list of families who came from Hungary with Queen Margaret, and settled in Scotland: As *Crichton, Fotheringham, Giffard, Maul, Borthwick*; how *Crichton, Fotheringham, and Borthwick*, should happen to be Hungarian names, I know not. *Giffard* was a Norman, and came over with the Conqueror; *Du Chesne*, p. 1126. Every one knows that the family of *Maul* was greatly distinguished in France before the conquest.

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ners, and secretly censured the favour shewn to the English and Norman adventurers, as proceeding from injurious partiality.

It is remarkable that Malcolm and his queen, zealous as they were for religion, made few donations to the church. They began an endowment of benedictines at Dunfermline, and granted an inconsiderable portion of land to the Culdees in Fife. No other traces of their liberality to ecclesiastics are to be discovered *.

Dalrymple,
225.227.383.

Malcolm is reported to have abolished a brutal law of an imaginary king Evenus. This is one of the worst fables in the fabulous history of Hector Boece †.

Boece, xii.
260

In delineating the character of Margaret, the wife of Malcolm III. I follow the traces of Turgot her confessor ‡: ‘Far be it from my
‘hoary

Acta San. 7. 10.
Jun. 328. &c.

* According to some authors, Malcolm III. erected the bishoprick of Morthelach, [afterwards Aberdeen.] according to *Sir James Dalrymple*, p. 135. Malcolm II. But, as we have only a supposed copy of the charter, we may be allowed to hesitate concerning its authenticity. Mr Ruddiman, *Praef. ad Anderson. Dipl.* p. 9. acknowledges, that the words in that charter, *teste meipso*, do not appear in any other charter before the reign of Richard I. of England; and for this he quotes a great authority, that of *Mabillon*, L. 2. c. 21. § 7.

† This subject seems to merit a particular dissertation; in which I propose to submit my opinion concerning it to the judgement of the learned and inquisitive reader.

‡ The Jesuit Papebroch has published a life of Margaret, drawn up by her confessor, at the request of her daughter Matildis, wife of Henry I. King of England; *Acta Sanctorum*, 10. Jun. p. 328.—335. The MS. which Papebroch used, bears, in the dedication, the name of *Theodericus servorum S. Cuthberti servus*. Hence he vindicates the authenticity of the title prefixed, and ascribes the work to an unknown *Theoderic*, monk of Durham. He observes, ‘That, in the eleventh century, it was the practice, in dedications, to affix the initial letter of the writer’s name, instead of the name at full length.’ Hence he concludes, ‘That they who ascribe the life of Margaret to Turgot, may have been misled by the MSS. wherein *T.* was interpreted *Turgot*, instead of *Theoderic*.’ The observation is just, and might be applied to the *fourteenth*, as well as to the *eleventh* century. By the same rule, Papebroch’s MSS. may have interpreted *T* to be *Theoderic*, instead of *Turgot*. The writer asserts, that he was the confessor

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‘hoary head,’ says Turgot, ‘to feign or flatter. As God is my witness and my judge, I relate nothing of Margaret but what I know to be true: Many things, which I know to be true, I have omitted, because they would have appeared incredible.’

Some allowance, however, must be made for the secret bias of a panegyrist, to magnify the virtues and extenuate the imperfections of the person whom he celebrates.

From her earliest youth, Margaret studied the scriptures, as they were then studied, in the verbal sense of the Vulgate *. Her apprehension

confessor of Margaret: Papebroch *supposes*, that he was her confessor from her youth, at least from the time of her marriage; and then *proves* from S. Dunelm. that the writer could not be Turgot, who entered not into holy orders till 1084, many years after the marriage of Margaret. This circumstance would have been conclusive, had the writer of *the life* pretended to have been the confessor of Margaret from her youth, or even from the time of her marriage. Not only the honour of a MS. belonging to the Jesuits, but two other reasons, induced Papebroch to ascribe this work to an *unknown Theoderic*, rather than to Turgot. 1. Because Boece relates, that Turgot composed the life of Margaret in the vulgar tongue, [linguâ vernaculâ,] as if the credit of Boece could be supported! All that can be said for that historian, incredibly incorrect, is, that he *may* have seen a translation of Turgot’s panegyric, and mistaken it for the original. 2. In the work of the supposed Theoderic, there is no mention of any miracles wrought by Margaret or her bones. This is an untoward circumstance; but Papebroch flattered himself, that, in *the life of Margaret* by Turgot, *which is lost*, an account of her miracles would have been given. ‘Hanc ego vitam, ut posterius scriptam, eo magis optarem inveniri, quod sperem ibi reperienda aliqua etiam defunctae miracula, quae cultum promoverint, titulumque sanctitatis firmaverint;’ 10. *Jun.* p. 321. Fordun frequently quotes this *life* as the work of Turgot, though he sometimes abridges, sometimes misunderstands him.

* How her confessor understood the scriptures, may be collected from various passages of his work. He says, that, to undertake the office of biographer to Margaret, he was encouraged by this scriptural promise, ‘*Aperi os tuum, et adimplebo illud.*’ i.e. ‘Open thy mouth wide, and I will fill it;’ Psal. lxxxi. 10. He adds, (what I will not translate), ‘*Neque enim potest deficere verbo, qui credit in verbo; in principio enim erat verbum, et Deus erat verbum.*’ To give one example more: He says, that the Queen, during her

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hension was acute, her memory tenacious, and her diligence unwearyed; hence she attained to an uncommon proficiency in what was then esteemed to be knowledge. Endowed with all the graces of utterance, she was, perhaps, inclined to display her learning and her eloquence more than her royal estate required, or than became her sex. 'Often,' says Turgot, 'have I with admiration heard her discourse on subtile questions of theology, in presence of the most learned men of the kingdom.'

Of this he gives one example, too characteristical to be omitted in a work which I wish to be *a history of manners*, as well as of *events*.

For the reformation of certain erroneous practices which prevailed in the Scottish church, Margaret held frequent conferences with the clergy. The King understood the Gaelic language as well as the Saxon. He willingly performed the office of interpreter between his consort and the Scottish ecclesiastics.

'Three days did she employ the sword of the Spirit, in combating their errors. She seemed another St Helena, out of the scriptures convincing the Jews*.'

The right season for celebrating lent was the subject of this solemn conference. The Queen's arguments prevailed †.

Margaret

her long and frequent indispositions, improved in virtue, 'Ut, juxta apostolum, *virtus in infirmitate perficeretur*.' Turgot understood 2 Cor. xii. 9. to mean 'Virtue is perfected by an infirm body.'

* It would seem, that the legendary story of the Empress Helena is misunderstood. She solicited her son Constantin to become a Jew. A conference was held: On the one side, Helena appeared with 120 of the most learned among the Jews; on the other, Constantin, with Pope Sylvester, and 24 bishops; the scriptures were examined, and the Jews confuted.

† The Queen observed to the Scottish ecclesiastics, that they began to keep lent on the day *after* quadragesima Sunday; whereas the holy church universally began to keep lent on the Wednesday *before*: She, therefore, exhorted them to lay aside such *novelties*,

1093.

Margaret appears to have affected an unusual splendor about her court. She encouraged the importation and use of vestments of various colours*. She was magnificent in her own attire, she increased

ties, and embrace the catholic faith. They made answer; 'We observe lent for six weeks, on the authority of the gospel, which records the fasting of Christ.' 'In this,' replied the queen, 'you depart from scripture. It is there written, that our Lord *fasted forty days*. Now, as you begin lent on the day after quadragesima Sunday, and do not fast on the Sundays during lent, it follows, that, instead of fasting during forty days, or during six weeks, you only fast during thirty-six days; if, therefore, you would imitate the example of our Lord, you must begin lent on the Wednesday before quadragesima Sunday, and then the *four* days of that week, added to the *thirty-six* days in which you already fast, will compleat the precise number of *forty* days. If you omit this, you will act against the authority of Christ, and oppose yourselves singly to the universal tradition of the holy church.' Turgot adds, that the clergy, overcome by the arguments of reason and truth, abandoned their erroneous usage, and observed lent according to the catholic institution.

If they had known anything concerning the matters in controversy, they might, in great humility, have informed the queen, 'That, what she was pleased to consider as a *novelty*, was the *antient practice* of the church, and what she held to be the *antient practice* was a *novelty*, introduced not two hundred years ago, without the authority, either of pope or general council: That, if there was any heresy in commencing lent on the day after quadragesima Sunday, it was a heresy held by the church of Scotland in common with the church of Milan; a church that boasts of preserving the institutions of St Ambrose, her renowned bishop.'

They might have added, 'That, allowing her account of the origin of lent to be just, it was an institution of *devout remembrance*, not of *literal imitation*; and that there was no reason for believing that the church ever meant to measure out days and hours of abstinence to her children.'

All these circumstances, and more, might have been urged; but the clergy, conscious of their own ignorance, dutifully acquiesced in the dictates of a learned queen, as delivered by the royal interpreter.

* "Fecerat enim ut mercatores, terrâ marique de diversis regionibus venientes, rerum venalium complures et pretiosas species, quae ibidem adhuc ignotae fuerant, adveherent."

1093.

fed the number of attendants on the person of the King, augmented the parade of his public appearances, and caused him to be served at table in gold and silver plate. 'At least,' says the honest historian, 'the dishes and vessels were gilt or silvered over *.'

There was what appears to us an air of ostentatious trifling in her charities. Every morning she prepared food for nine little children, all indigent orphans: On her bended knees she fed them. With her own hands she ministered at table to crouds of poor persons, and washed the feet of six every evening.

While the King was occupied in affairs of state, she repaired to the altar, and *there*, with *long prayers* †, sighs and tears, offered herself a willing sacrifice to the Lord. In the season of lent, besides reciting particular offices, she went through the whole psalter, twice or thrice, within the space of twenty-four hours. Before the time of public mass, she heard five or six private masses; after that service, she fed twenty-four persons; and then, and not till then, she retired to a scanty

* 'veherent. Inter quas, cum diversis coloribus vestes variaque vestium ornamenta indigenae, compellente [i. compellante] Regina, emerent; ita *ejus instantia* diversis vestium cultibus deinceps incedebant compositi, ut *tali decore quodammodo crederentur esse innovati.*' In their new-fashioned cloaths they seemed to become *new men*. See *Acta sanctorum*, Jun. 10. p. 330. That *party-coloured stuff* called *tartan*, which has been long a favourite with us, was perhaps introduced into Scotland by Margaret.

* 'Aut enim aurea et argentea aut *deaurata* sive *deargentata* fuerunt vasa, quibus Regi et proceribus dapes inferebantur et potus;' *Act. sancti. ibid.*

† It is singular, that Turgot should have praised her for making long prayers, [*prolixae preces.*] He might have recollected, that the Vulgate uses that very expression in an unfavourable sense.

1093.

scanty ascetic meal. She fell a victim to her long vigils, fastings, and mortification *.

Thus have I faithfully described the shades, and marked all the blemishes in the character of this good woman †; her zeal for matters indifferent or dubious; her little vanities of shew and equipage; her *minute* obedience of some evangelical precepts; her *literal* performance of others; and her unrequired and fatal austerities.

I now undertake the more pleasing employment of recording her exemplary virtues, and distinguished usefulness.

She did not abuse that influence, which the opinion of her worth had merited, in the councils of Malcolm. To her he seems to have entrusted the care of matters respecting religion, and the internal polity of the kingdom. In both, there was much to reform.

At that period, the clergy of Scotland had ceased to celebrate the *communion of the Lord's supper*. 'We are sinners,' said they, 'and therefore, we dread to communicate unworthily.' The queen displayed to them the vanity of this superstitious or indolent excuse ‡.

She

* Turgot acknowledges, that abstinence ruined her constitution, and brought on excruciating pains in her stomach, which death alone removed: 'Propter nimium jejuniandi rigorem, acerrimum usque ad finem vitae passa est stomachi dolorem;' *Acta Sanctorum*, Jun. 10. p. 333. She kept her chamber for six months before the death of her husband; *Ibid.* p. 334.

† Her veneration for one particular crucifix, her gift of another to Dunfermline, and of another to St Andrew's, are neither proofs of her virtues, nor instances of imbecility of mind. I view every thing of that nature, as a mechanical acquiescence in the established opinions and modes of the age. The favourite crucifix of Margaret is celebrated in the History of Scotland, under the name of the *Blak Rude*. The cross was of gold, about the length of a palm, the figure of ebony, studded and inlaid with gold. A piece of the *true cross* was enclosed in it; *Aldred*, p. 349. apud Twissden.

‡ Turgot says, that, in some places of Scotland, there were who celebrated masses with strange and barbarous rites: 'Nescio quo barbarico ritu missas celebrare consueverant.'

1093.

She restored the religious observance of Sunday, an institution no less admirable in a political, than in a religious light.

It was not uncommon for a man to marry his stepmother, or the widow of his brother. I presume that this was not owing to vague lust, but to avarice; for it relieved the heir of a jointure.

We may easily perceive how necessary, and how difficult, a reformation was in *that* kingdom, where the clergy omitted the celebration of the communion; where the distinction between Sunday and work-days was disregarded; and where incestuous alliances prevailed.

In the administration of her household, she so blended severity of manners with complacency, that she was equally revered and loved by all who approached her. She entertained many ladies about her person, employed their leisure-hours in the amusements of the needle, and gave a strict attention to the decency of their conduct: 'In her presence,' says Turgot, 'nothing unseemly was ever done or uttered *.' A strange picture of that age!

On the education of her children, she bestowed the most conscientious care. She enjoined their preceptors to chastise them as often as they merited chastisement. On them she bestowed her tenderest thoughts in her dying moments.

Turgot pathetically describes his last interview with this affectionate mother. After long discourse on her spiritual state, she thus addressed him: 'Farewell; my life draws to a close, but you may survive me
' long.

'verant.' This practice was corrected by the Queen. Papebroch, resolving to be ignorant of nothing, observes, that *missae* means *nundinae*, or *fairs*; that fairs were held in churches, and that, in divers countries, many ludicrous shews were exhibited at fairs. He concludes, that *this* was the enormity which the Queen corrected; *Ibid.* p. 332. note c. All this is idle conjecture.

* The expression of Turgot is forcible: 'In praesentia ejus, non solum nihil execrandum facere, sed ne turpe quidem verbum quisquam ausus fuerat proferre;' *Ibid.* p. 329.

1093.

‘ long. To you I commit the charge of my children, teach them, above all things, to love and fear God; and, whenever you see any of them attain to the height of earthly grandeur, Oh! then, in an especial manner, be to them as a father and a guide. Admonish, and, if need be, reprove them, lest they be swelled with the pride of momentary glory, through avarice offend God, or, by reason of the prosperity of this world, become careless of eternal life. This, in the presence of *him*, who is now our only witness, I beseech you to promise and to perform.’

Her beneficence was unbounded. I speak not of her public almsgiving, however liberal and unremitting. Her private solicitude to do good exceeds every encomium.

We have seen, in the course of this history, that multitudes of unhappy English were led captive into Scotland, and dispersed over the country. The Queen employed her emissaries to examine their condition. Whenever their bondage appeared grievous, she secretly paid their ransom, and restored them to liberty, herself an exile from England!

She was humble and self-abased; she judged with more severity of herself than of others. She affectionately reproached her confessor for his want of vigilance in discovering her faults.

And, now that we have seen *the fruits* of this excellent woman in meekness, active virtue, and mercy, we are authorised to pronounce that her piety was sincere.

By a tedious and painful indisposition, endured with exemplary patience, she was brought very low. During a short interval of ease, she devoutly received the communion; soon after, her anguish of body returned with redoubled violence; she stretched herself on her couch, and calmly waited for the moment of her dissolution. Cold, and in the agonies of death, she ceased not to put up her supplications to heaven. These were some of her words: ‘ Have mercy upon me, O
‘ God;

1093.

‘God; according to the multitude of thy tender mercies, blot out my iniquities; make me to hear joy and gladness, that the bones which thou hast broken may rejoice. Cast me not away from thy presence, and take not thy holy Spirit from me; restore unto me the joy of thy salvation. The sacrifices of God are a broken spirit; a broken and a contrite spirit, O God, thou wilt not despise. Do good, in thy good pleasure, unto Zion, build the walls of Jerusalem.’ At that moment, her son Edgar, returning from the army, approached her couch. ‘How fares it with the King and my Edward?’ The youth stood silent. ‘I know all,’ cried she, ‘I know all: By this holy cross, by your filial affection, I adjure you, tell me the truth.’ He answered, ‘Your husband and your son are both slain.’ Lifting her eyes and hands towards heaven, she said, ‘Praise and blessing be to thee, almighty God, that thou hast been pleased to make me endure so bitter anguish in the hour of my departure, thereby, as I trust, to purify me in some measure from the corruption of my sins; and thou, Lord Jesus Christ, who, through the will of the Father, hast enlivened the world by thy death, oh! deliver me.’ While pronouncing, *deliver me*, she expired*.

Malcolm

* There is a passage in Turgot which seems to entitle him to a place in the *Index Expurgatorius* rather than in the *Acta Sanctorum*. Others, says he, ‘may admire in others the indications of sanctity which miracles afford. I much more admire in Margaret the works of mercy. Such *signs* are common to the good and the evil; but the works of true piety and charity are peculiar to the good. The one *sometimes* indicate *sanctity*, the other constitute the *saint*. With better reason, therefore, ought we to admire the deeds of Margaret, which made her a saint, than her miracles, *had she performed any*, which could only have pointed her out to mankind as a saint.’ Papebroch artfully misrepresents the sentiment of Turgot. ‘Mirabilior erat operibus quam miraculis.’ ‘She was more to be admired for her good works, than for her miracles;’ *Ibid.* p. 333. In 1250, or 1251, the bones of Margaret were removed and placed in a more honourable place of the church of the Trinity at Dunfermline; *For-*
dun,

1093.

S. Dunelm.
201.

Malcolm III. had six sons and two daughters. Edward slain with his father near Alnwick; Ethelred, who became a churchman*, Edmund, Edgar,

dun, L. x. c. 3. Then indeed they wrought abundant miracles. Papebroch, p. 333. supposes that this *translation* was by authority of Innocent IV. for no reason, that I perceive, but this, that Papebroch knew Innocent IV. to have been pontiff at that time. I believe that Margaret was canonized by the voice of a grateful, though superstitious people, who affectionately remembered her sanctity and virtues. In 1673, Clement X. allowed an office of St Margaret to be celebrated on 10th June. In 1678, Innocent XI. allowed it to be celebrated on the 8th June. In 1693, Innocent XII. appointed the festival of St Margaret to be a festival of the church, and again transferred it to the 10th of June. This was at the request of James II. and his queen, for reasons which will occur to the reader; *Acta Sanctorum*, 10. Jun. p. 333.

* Sir James Dalrymple, p. 225. quotes, *Excerpt. Reg. Prior. St Andr.* in these words: 'Edelradus, vir venerandae memoriae, filius Malcolmi regis Scotiae, Abbas de Dunkeld, et insuper Comes de Fife, iis [Colideis] dedit terras de Ardmore.' He adds, 'And, because he was under age, Alexander and David his brothers did afterwards confirm his gift.' This is an embarrassing circumstance in our history. It is inconsistent with the received opinion, that the famous M'Duff transmitted the title of Earl of Fife to his posterity. Malcolm III. ascended the throne in 1057. He married Margaret between 1068 and 1070. It is impossible that a younger son of his could have been born before 1070. It is not to be imagined that he would be making grants, as Abbot of Dunkeld, before he was 14 years of age. Hence we may conclude, that the grant, wherein he is termed *Earl of Fife*, could not have been made before 1084. It may have been made many years later. Sir James Dalrymple says, that Ethelred 'behoved to be Comes de Fife before M'Duff got that dignity.' This shews that Sir James saw the difficulty; but his solution of it is attended with this obvious improbability, that, according to it, M'Duff did not obtain the dignity of *Earl of Fife* till after 1084. i. e. twenty-seven years after the accession of Malcolm III. Besides, it will be remarked, that M'Duff is held to have been *Thane* of Fife from the time of the accession of Malcolm III. If Ethelred was *Earl of Fife*, while M'Duff was *Thane*, the hypothesis, that the one title came in place of the other, is overthrown. A solution of this difficulty has been suggested to me by a learned friend. What Sir James Dalrymple quotes is not an original charter, but a recital of different grants composed in an after age. The monk who composed it may have mistaken or misrepresented the tenor of the antient charters. It is possible that the charter had these words, *in Com. de Fife*, describing the place where the lands were

1093.

Edgar, Alexander, David, Matildis, or Maud, the wife of Henry I. King of England, Mary, the wife of Eustace Count of Boulogne.

D O N A L D B A N E.

AT the death of Malcolm III. all his children were under age. Donald, the brother of Malcolm, had taken refuge in the Hebrides, when M'Beth usurped the throne. It is probable that he remained *there*, during the whole reign of his brother. His ambition was now roused with the hope of sovereign power. In those rude times, the notions of hereditary right were weak, and the claim of an infant Prince often disregarded. Donald, as being the eldest male of the royal family, asserted his pretensions to the crown. The inhabitants of the Hebrides willingly afforded their aid to a pretender who had been educated among them from his earliest youth. At that time, they

*Fordun v. 26.
28.*

were situated. An ignorant transcriber might convert this into *insuper Comes de Fife*. Perhaps this Etheldred has had the custody of the Earldom of Fife, during the minority of the son or grandson of M'Duff; and hence has received the title of *Earl of Fife*, as being *custos Comitatus*.

It is remarkable, that not one of the six sons of Malcolm received the name of any of the antient kings of Scotland. All their names seem to have been chosen by Margaret. Edward bore the name of her father, Edmund of her grandfather, Ethelred of her great-grandfather, Edgar of her brother. It is probable that the name of Alexander was bestowed on the fifth son, in honour of Pope Alexander II. As David was the youngest, we may conjecture that he was born when Margaret had no hope of more children; and therefore that he received the name of the youngest son of Jesse. In the lower ages, the name of David had become fashionable, if that expression may be used. The Emperor Charlemagne affected it in his correspondence with Alcuin.

1093.

they were independent of Scotland, and only yielded a precarious sub-
 jection to the Norwegian Kings *.

J. M'Pherson,
 Diff. xvi.

With a powerful armament, collected in the western isles, Donald
Fordun, v. 26. invaded Scotland. It is said, that Edgar Ætheling secured the children
 of Malcolm from the attempts of the usurper, and conveyed them to a
 safe place of concealment within the English territories †.

Chr. Sax. 199.

The Scots favoured the invasion of Donald. They detested the in-
 novations introduced in the course of the last reign, and longed to return
 to the rude manners of their ancestors. Donald, being seated on the
 throne, expelled all the foreigners who had found refuge and protecti-
 on at the court of Malcolm.

1094.

Chr. Sax. 199.
 200.

Duncan, a bastard of the late king ‡, had been left as an hostage in
 England. William Rufus invested him with the honour of knight-
 hood,

* Our historians relate, that Donald Bane procured the aid of Magnus King of Nor-
 way, by making a surrender to him of the Hebrides and other islands, which belonged
 to the kingdom of Scotland; but Dr M'Pherson has shewn that this is most improbable;
Dissertations xv. and xvi.

† It is said, in *Fordun*, L. v. c. 26. that Donald besieged the *Castrum puellarum*, where
 the body of Margaret was deposited; that her servants conveyed away the body by a po-
 stern gate on the west side of the castle, and interred it at Dunfermline. It is added,
 that a mist miraculously concealed them from the enemy. That a mist on the Frith of
 Forth should be held miraculous, must appear, to the inhabitants of Lothian, a strange
 example of prepossession and credulity.

‡ Torfaeus has attempted to prove that Duncan was the lawful son of Malcolm III.
 by Ingibierge, the widow of Torfin Earl of Orkney: For this, he has no other autho-
 rity than some Norwegian chronicles, which, at the same time, he acknowledges to be
 contradictory and inconsistent. It is true, that *S. Dunelm*, p. 214. 219. *Chr. Sax.*
 p. 199. and *Flor. Vigorn.* p. 642. 646. call him the son of Malcolm, without the addition
 of *bastard*. But the same authors speak of Edward, slain near Alnwick, as the *eldest son*
 of Malcolm; and *Will. Malmfbury*, p. 158. expressly terms Duncan a *bastard*,
 [nothus.] In the confirmation-charter of the Abbey of Dunfermline, *Dalrymple*, p. 383.

David I.

1094.

hood, and retained him in his service. Duncan sought the permission of William to invade Scotland; and having sworn fealty, obtained it. Aided by a numerous band of adventurers, English and Norman, he expelled Donald Bane, and reigned in his stead. [May 1094.]

S. Dunelm,
219.
Fordun, v. 28.

D U N C A N.

David I. terms him *Duncan frater meus*. This, however, proves not his legitimacy; for, in the charter of Scone, *Dalrymple*, p. 371. granted by Alexander I. the immediate predecessor of David I. Sibilla, Queen of Scotland, is termed *filia Henrici Regis Angliae*, although she was, beyond all controversy, a bastard. The oldest original charter, concerning Scotland, that is now known, is that said to have been granted by Duncan to the Monks of Durham; *Anderson*, *Diplomata*. No. V. In it Duncan terms himself, '*Dunecanus filius Regis Malcolumb, constans hereditarie Rex Scotiae*.' The charter bears this clause: 'Et hoc dedi pro anima patris mei, et pro fratribus meis, et pro uxore mea, et pro infantibus meis; et quoniam volui, quod istud donum stabile esset Sancto Cuthberto, feci quod fratres mei concesserunt.' To it several crosses and names are subjoined, particularly [*crux*] *Eadgari* [*crux*] *Malcolumb*. Sir James *Dalrymple* supposes this *Edgar* to be the son of *Malcolm III.* and afterwards King of Scots; yet it is singular, that *he* should have resided at the court of Duncan. He also supposes that *Malcolumb* was a bastard son of *Malcolm III.* This is merely conjectural; for no such person ever appears in history. I should be apt to suspect the authenticity of this charter, if so many antiquaries had not appealed to it as genuine. To support its authenticity, we must hold, that *Edgar* resided at the court of the usurper Duncan, and that *Malcolm III.* had a bastard son, named *Malcolm*, of whom no other vestige remains. The form of the seal also, and the style of the figure on it, are not free from suspicion. It is sufficiently certain, that the Monks of *Cuthbert* did possess the lands specified in that charter; but I cannot discover that *Leland*, who carefully inspected the registers of Durham, has thought the charter worthy of being mentioned.

D U N C A N.

1095.

Fordun, v. 28.
W. Malmſbury
158.

EDMUND, a ſon of Malcolm III. having covenanted with his uncle Donald Bane for a partition of the kingdom, engaged in a conſpiracy againſt Duncan. At their inſtigation, Malpedir * Earl of Mernes aſſaſinated Duncan †. Donald Bane again aſcended the throne.

W. Malmſbury
158.

W. Malmſbury avers, that Edmund, the unworthy ſon of the pious Margaret, was condemned to perpetual imprifonment for his acceſſion to the murder of Duncan; that, during his captivity, he was touched with remorse; that, on death-bed, he acknowledged the juſtice of his puniſhment; and, in token of repentance, ordered himſelf to be buried with his chains ‡. This ſingular event, if true, might lead us to conclude, that Duncan was not an uſurper, but one who acted as regent during the minority of the children of Malcolm: For, if the profligate

* *Malpedir* is the follower of Peter, or one devoted to his ſervice. Thus, *Malcolm* is the follower of *Columba*, and *Malbride* the follower of *Bridget*.

† The Saxon Chronicle places this event in 1095. *Fordun*, L. v. c. 28. ſays, that Duncan reigned 18 months: If ſo, he was aſſaſinated in autumn 1095.

‡ ‘ Solus fuit Edmundus Margaritae filius a bono degener, qui Duvenaldi patruī nequitiae particeps, fraternae non inſcius necis fuerat, pactus ſcilicet regni dimidium. Sed captus, et in perpetuis compedibus detentus, ingenuē poenituit, et, ad mortem veniens, cum iſtis vinculis ſe tumulari mandavit, profeſſus ſe *plexum merito* pro fratricidii delicto;’ *W. Malmſbury*, p. 158. Sir James Dalrymple, miſled by the ambiguity of the phraſe, *ſe plexum merito*, quotes Malmſbury as ſaying, ‘ That Edmund was executed for his acceſſion to his brother’s ſlaughter;’ p. 165.

1095.

profligate ambitious youth was thus punished, it must have been after the accession of Edgar *.

At the restoration of Donald, the savage and inhospitable measure of expelling all foreigners was enforced. Hence we may conclude, that, throughout his reign, it was the great national object to efface civility in Scotland. S. Dunelm, 220.

1097.

William Rufus commiserated the forlorn state of the family of Malcolm III. With his approbation and aid, Edgar Ætheling assembled a body of troops: He marched into Scotland, overcame Donald, and placed Edgar, the son of Malcolm, on the throne of his ancestors. Chr. Sax. 206, S. Dunelm. 223.

E D G A R.

1098.

The aged usurper was made captive, and condemned to perpetual imprisonment; by a barbarous policy, although not without example in the history of Scotland, his eyes were put out †. Fordun, v. 28. 34.

About

* This conjecture, if well-founded, may afford an additional argument for discrediting the charter, wherein Duncan is said to be ‘constans hereditariè Rex Scotiae.’

† Donald Bane had a son, Madach, who was Earl of Athole in the reign of David I. He married Margaret, daughter of Haco Earl of Orkney; *Torfaeus, Hist. Orkad.* L. i. c. 22. p. 100. Torfaeus erroneously calls him *Maddad Comes de Atjoklis*. But Sir James Dalrymple, p. 378. has judiciously corrected the error. Henry, the grandson of this Madach, died in the reign of Alexander II. without issue-male; with him the descendents in the male line of Donald, sometime King of Scotland, failed. *Ordericus Vitalis*, L. viii. p. 702. says, that Edgar, King of Scots, was killed by his uncle Donald, and that Donald was killed by Alexander I. This may serve as a specimen of the knowledge of Ordericus Vitalis in Scottish affairs.

1098.

S. Dunelm.
223.

About this time, Magnus King of Norway is said to have made himself master of the islands of Orkney*.

1100.

Chr. Sax. 207.
208.

William Rufus was slain in the New Forrest, [2d August.] He was succeeded by his brother Henry, surnamed *Beauclerc*. Henry married Matildis, the sister of Edgar King of Scots, [15th November.]

1102.

S. Dunelm.
230.

Mary, the other sister of Edgar, was married to Eustace Count of Boulogne.

1106.

S. Dunelm.
230.*Aldred geneal.*
reg. Angl. 367.

Edgar, King of Scots, died [8th January 1106.] According to Aldred, Abbot of Rievaulx, 'He was a sweet tempered amiable man, in all things resembling *Edward the Confessor*; mild in his administration, equitable and beneficent.' The comparison with Edward the Confessor exhibits an unfavourable idea of his kingly abilities.

Leland. Collec-
tanea, i. 387.*Fordun*, v. 34.

In honour of St Cuthbert, Edgar founded a priory of Benedictines at Coldingham in the Merse, [1098.] Fordun reports, that Edgar conquered his enemies by virtue of St Cuthbert's banner, and thus expressed his gratitude to his heavenly patron.

A L E X A N D E R I.

ALEXANDER I. succeeded his brother Edgar, [8th January 1106.]

W. Malmf.
158.

It was the policy of Henry, the English King, to cultivate amity with

* The History of Orkney and the Western islands is involved in darkness: To illustrate it would require much time and labour. In a work like mine, every thing that is not absolutely necessary for understanding the history of Scotland, must be slightly touched.

1107.

with Scotland. He bestowed his natural daughter, Sibilla, on Alexander I. Such an alliance was not held dishonourable in those days *.

Edgar had, on death-bed, bequeathed that part of Cumberland, which the Scottish Kings possessed, to his youngest brother David. Alexander at first disputed the validity of this donation; but, perceiving that David had won over the English Barons to his interest, he acquiesced in this dismemberment of the kingdom †.

Aldred, d. bello stand. 344.

1109.

Alexander, with the approbation of his clergy and people, had chosen Turgot, a monk of Durham, to the office of Bishop of St Andrew's; but the consecration of Turgot was long delayed. The Archbishops of York pretended a right of consecrating the Bishops of St Andrew's. At this time, Thomas was Archbishop of York, *elected* but not *consecrated*. A report arose, that the Bishop of Durham, concurring with the Scottish bishops, and the Bishop of the Orkneys, proposed to consecrate Turgot, in presence of the Archbishop-elect of York; and that, for this end, he meant to ask the advice and permission of Anselm Archbishop of Canterbury. The zealous Anselm was alarmed at the report; he dispatched a letter to the Archbishop of York, informing

Eadmer. 17.

* Mr Ruddiman, *Not. ad Buchanan.* p. 119. comforts himself with the reflexion, that there was no issue of this unequal alliance: 'Neque ulli ex eo matrimonio liberi creati, qui eam, quaecunque ea est, in posteros Scotorum reges labem derivarent.' He forgot that Ermengarde, the wife of William the Lion, and Jane the wife of James I. were descended from bastards of the royal family of England, and that their alliance with the royal family of Scotland was in consequence of that oblique descent. Mr Ruddiman's notions are altogether modern.

† This curious circumstance is mentioned by *Aldred*, in the discourse which he supposes Robert Bruce, a Norman Baron, to have addressed to David King of Scots, immediately before the battle of the standard, in 1138, *ap. Twissden*, T. i. p. 344. 'Tu ipse rex cum *portionem regni*, quam idem tibi frater moriens delegavit, à fratre Alexandro reposcere, nostro certè terrore, quicquid volueris sine sanguine impetrâsti.' The *portio regni*, here mentioned, could be nothing else but the part of Cumberland possessed by the Scottish kings.

1109.

forming him, that consecration could not be performed by an Archbishop-elect, or by any one acting under his authority; 'and therefore,' said he, 'I will neither advise nor permit, but, on the contrary, I absolutely prohibit such consecration.' At the same time, he required the Archbishop of York to come himself and receive consecration at Canterbury.

Eadmer. 98.

The Archbishop of York affected to deny the truth of the reports concerning the intended consecration of Turgot. 'It is no difficult matter,' said he, 'to prohibit me from doing what I never intended to do *.

S. Dunelm. 207. 208.

While the two English Archbishops were engaged in various and intricate altercations, concerning canonical order, and the privileges of their respective sees, the Scottish clergy contended, that the Archbishop of York had no authority, either of right or from inveterate practice, to interfere in the consecration of a Bishop to the see of St Andrew's.

S. Dunelm. 207. 232.

An immediate decision of this controversy was evaded by a concert between the two Kings. It was agreed, that Henry should enjoin the Archbishop of York to consecrate Turgot, 'Saving the authority of either church †.' In that form Turgot received consecration, [30th July.]

1115.

S. Dunelm. 233.

Turgot met with obstacles in the discharge of his episcopal function; but of what nature, we are not informed. It is probable, that he either

* 'De electo Episcopo Sancti Andreae de Scotia, quod audistis, rumores sunt, quibus credere non oportet. Facile ergo est interdicti, quod, ut fieret, non a me excogitatum;' *Eadmer. Hist. Nov. p. 98.* I purposely omit any mention of the other disputes which prevailed between the two English Archbishops, as not being necessarily connected with the history of Scotland.

† 'Salvâ utriusque ecclesiae auctoritate, ut postea ubi, et quando, et a quibus ratio exigeretur, debitus finis controversiam utriusque partis dirimeret;' *S. Dunelm. p. 207.*

1115.

ther sought to enlarge his jurisdiction beyond the limits which Alexander prescribed, or that he entertained a natural partiality for the pretensions of his countrymen. Be this as it will, Turgot resolved to repair to Rome, and to demand the opinion of the Pope, for regulating his future conduct *. He lived not to accomplish his journey. The old man perceived himself to have lost that influence, which, in former times, he had enjoyed, while ecclesiastical affairs were directed by Queen Margaret. Vexation sunk his spirit. In a desponding mood, he asked permission to revisit his ancient cell at Durham, and *there* died, [31st August.]

S. Dunelm.
208.
Eadmer. 117,

1118.

Matildis, Queen of England, daughter of Malcolm III. died † [1st May.]

S. Dunelm.
238.

The nomination of a Bishop to the see of St Andrew's, after the demise of Turgot, was attended with many remarkable and interesting circumstances. Eadmer, the Bishop nominated, has given an ample account of this transaction, and has, in a great measure, authenticated it by original instruments.

Eadmer. 130.
&c.

Soon

* 'Ubi consilio et judicio Domini Papae Paschalis vitam suam transigeret;' *S. Dunelm.* p. 207. This seems to imply, that Turgot was uncertain whether he ought to retain the pastoral staff, or retire again to his monastery.

† A lively but satirical character of Matildis is in *W. Malmſbury*, p. 264. He censures her passion for music and poetry, and her profuse liberality to the flatterers and panegyrists who crouded her court. 'In clericos bene melodos inconsideratè prodiga, blandè quoscunque alloqui, multa largiri, plura polliceri. Inde liberalitate ipsius per orbem fatâ, turmatim huc adventitabant scholastici, cum cantibus, tum versibus famosi, foelicemque se putabat, qui carminis novitate aures mulceret dominae: Nec in his solum expensas conferebat, sed etiam omni genere hominum, *praesertim* advenarum, qui, muneribus acceptis, famam ejus longè per terras venditarent.' Even her affability to all men, and her attention to strangers, escaped not the censure of this inexorable satyr! Wretched is the condition of Princes! if cold and reserved, they are haughty; if candid, open, and obliging, they smile with undistinguishing complacence. I have somewhere read of a country that never had but *two* popular Kings, and they were *both* vitious and debauched; they deserved not better!

1118.

Soon after the death of Turgot in 1115, Alexander I. wrote a confidential letter to Ralph Archbishop of Canterbury. ‘I ask your advice and assistance,’ said the King, ‘for enabling me to provide a fit successor to Turgot in the see of St. Andrew’s: You will remember what I once mentioned to you, that, in antient times, the Bishops of St Andrew’s were wont to be consecrated only by the Pope himself, or by the Archbishop of Canterbury, till, I know not how, Lanfranc, your predecessor, in the absence of me or my predecessors, introduced a temporary relaxation of this rule, in favour of Thomas Archbishop of York *. This, however, if I am supported by your authority, I will no longer permit. Inform me privately whether you will assist me in restoring matters to their original state.’

In this letter, the King of Scots observes, ‘That the Bishops of St Andrew’s were wont to be consecrated only by the Pope himself, or by the Archbishop of Canterbury.’ The expression is flattering and artful. Alexander meant to relieve his kingdom from the pretensions of the one Archbishop, without acknowledging the authority of the other: He therefore left the right of consecrating doubtful between the Pope and the Archbishop of Canterbury, while, at the same time, he seemed to place them both on a level.

The season, also, for this private negotiation was judiciously chosen. Thurstin had been *elected* Archbishop of York; but had not as yet been

* ‘Quousque Dominus Lanfrancus Archiepiscopus, nescimus quo pacto, *absentibus nobis aut nostris*, Thomae Eboraci Archiepiscopo illud ad tempus relaxaverat.” I have rendered the words according to their most obvious meaning: There is, however, something very embarrassed and obscure in the passage; nor can it be well reconciled with the truth of history. Lanfranc was Archbishop of Canterbury from 1070 to 1089: It cannot be said, that Malcolm III. was either absent or inattentive to the affairs of his kingdom during any part of that space. Perhaps the transcriber has written *absentibus* for *assentientibus* [permitting, or suffering.] If this emendation is not admitted, we must suppose that Alexander wrote *Lanfranc* for *Anselm*. Anselm became Archbishop in 1093: The innovation spoken of may have taken place during the usurpation of Donald or Duncan.

1118.

been *consecrated*. A precipitant consecration of the Bishop of St Andrew's might have been performed without opposition.

The Archbishop of Canterbury appears to have been too much engaged in other disputes with the see of York, and the crown, to listen to the proposal of Alexander. Alexander, on his part, allowed the see of St Andrew's to remain vacant for many years; and, if we may credit Eadmer, was not very solicitous in preventing the dilapidation of the Episcopal revenues.

1120.

At length, Alexander dispatched a special messenger to the Archbishop of Canterbury, with a letter, in which he severely censured himself for having so long permitted the flock to wander without a shepherd, and requested the Archbishop *to set at liberty* Eadmer the monk, that he might be placed in the Episcopal throne of St Andrew's *.

'It was certain,' says Eadmer, 'that no solicitations had been used, directly or indirectly, in my favour; the Archbishop, therefore, considered the request of the King of Scots as a suggestion from heaven, and would not oppose it, lest he should seem to resist the ordinance of God †.' He consented that Eadmer should have liberty to accept the bishoprick. With that view, he asked and obtained the approbation of the English King ‡.

That

* Such is the substance of a long letter, drawn up with the pedantic circumlocution of barbarous Latin: The style, esteemed in those days to be the perfection of elegance, was nothing more than a feeble imitation of that miserable writer Cassiodorus. Alexander says, '*Quocirca vestrae pietatis depono clementiam, ut quandam personam, Eadmerum scilicet monachum, si vobis idonea visa fuerit, ut pontificali inthronizetur dignitate, mihi liberam concedatis.*' The turn of the expression ought to be remarked; for a curious dispute arose afterwards as to its import.

† '*Miratus ex his Pater Radulphus, et ratus hoc verbum à Deo egressum, noluit regiae petitioni assensum non praebere, ne videretur Dei ordinationi resistere;*' Eadmer. hist. Novbr. p. 130.

‡ The style of the approbation granted by the King of England is singular. '*Henricus Rex Anglorum, Radulpho Archiepiscopo Cantuariæ, salutem. Volo et concedo, ut Monachum illum, unde Rex Scotiae te requisivit, liberum ei concedas ad consuetudinem terrae suae in Episcopatu Sancti Andreae;*' Eadmer. p. 131.

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That Eadmer did not solicit this preferment may be true; yet was there not any thing preternatural in Alexander's requisition. Alexander meant to oppose the pretensions of the Archbishop of York; he therefore sought a Bishop from the province of Canterbury. He knew that Eadmer, who had been the favourite of Anselm, would have no partiality for York, and he hoped to win him over to the cause of the Scottish church, by the allurements of ambition and independency.

The Archbishop of Canterbury, in a letter to Alexander, bestowed the most hyperbolical encomiums on Eadmer. He added, 'I send you the person, whom you require, *altogether free*, that he may be informed from your own mouth, whether your petition has for its object the glory of God, and of the holy metropolitan church of Canterbury. Conduct this affair cautiously, and with judgment; for many there are who seek to oppose obstacles to the consecration of Eadmer. To prevent the inconveniencies which I foresee and dread, I would counsel you immediately to send him back to be consecrated by me.'

Eadmer, on his arrival in Scotland, received the bishoprick of St Andrew's [29th June]. The election was made by the clergy and people of the country, with the permission of the King *. On this occasion, Eadmer neither received *the pastoral staff*, nor *the ring*, from the hands of the King, nor did he perform homage.

Next day, Alexander held a secret conference with Eadmer, respecting the mode of his consecration. The King expressed his aversion at

* 'Eligente eum clero et populo terrae, et concedente Rege.' I have rendered the words ambiguously, because I am not sure of their true import. *Clerus* may mean the clergy in general, or the clergy of the diocese of St Andrew's. *Populus terrae* may mean the nobility, the body of the people of Scotland, or the men of the diocese of St Andrew's. There is still another sense of the phrase, which seems not improbable, i. e. That he was chosen by the voice of all the clergy and laics there present, and with the approbation of the King.

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at Eadmer's being consecrated by the Archbishop of York*. Eadmer told him, that the church of Canterbury had, by antient right, a pre-eminence over all Britain, and that he humbly proposed to receive consecration from that metropolitan see. Alexander started from his seat with much emotion, and broke off the conference †. He commanded the person who had presided in the bishoprick, since the demise of Turgot, to resume his functions ‡.

After a month had elapsed, the King, at the request of his nobility, sent for Eadmer, and with difficulty obtained his consent to a compromise. By it, Eadmer was to receive the ring from Alexander, to take the pastoral staff off the altar, as if *receiving it of the Lord*, and then to assume the charge of his diocese. While the King went with his army to quell some insurrection ||, Eadmer was received into the see of St Andrew's by the Queen, clergy, and people.

Thurstin, Bishop of York, was at this time in Normandy with the English King. At his solicitation, Henry wrote a letter to the Archbishop of Canterbury, prohibiting him from consecrating Eadmer, and three letters to Alexander, requiring him, in a high tone, not to permit the consecration. 'Hence,' says Eadmer, 'my hands were weakened'

* 'Modis omnibus eum a Pontifice Eboracensi consecrari *exhorrens*;' *Eadmer*. p. 132.

† 'Conturbatus animo surgens, discessit ab eo. Nolebat enim ecclesiam Cantuariensem anteferri ecclesiae Sancti Andreae de Scotia;' *Eadmer*. p. 132.

‡ *Eadmer*, *ib.* says that his name was William, a Monk of St Edmundsbury: That, having formerly impaired the revenues of the see, he now wasted them altogether: 'His quo supererant terris Episcopatus funditus evacuatis.'

|| 'Quod super inimicos suos exercitum ducere disponebat;' *Eadmer*. *ib.* This is the only authentic notice we have of an insurrection, which appears to have been formidable. What is said concerning the ring is collected from the sequel of Eadmer's narrative. He seems to have been at a loss to account for this circumstance of condescension on his part, and to have endeavoured, if possible, to divert the attention of the reader from it.

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‘ ened in the exercise of episcopal discipline, and they who preferred
 ‘ their pleasures to the obedience of the divine law *, began to hold
 ‘ me in derision. Alexander himself, dreading the resentment of
 ‘ England, withdrew his countenance from me, and by degrees en-
 ‘ croached on my privileges : Perceiving this, and being thoroughly
 ‘ sensible, that I could do small service to religion in Scotland, while
 ‘ the King’s inclinations were adverse, I resolved to repair to Canter-
 ‘ bury for advice.’

When Alexander heard of Eadmer’s resolution, he said, ‘ I recei-
 ‘ ved you altogether free from Canterbury ; while I live, I will not
 ‘ permit the Bishop of St Andrew’s to be subjected to that see.’
 ‘ For your whole kingdom,’ answered Eadmer, ‘ I would not renounce
 ‘ the dignity of a monk of Canterbury’. ‘ Then,’ replied the King
 passionately, ‘ I have done nothing in seeking a Bishop out of Canter-
 ‘ bury.’ And thus, through heat of temper, disclosed the whole secret
 of his intentions.

Eadmer complains, that, after this interview, the King became rigo-
 rous and unjust, and would never afford him a patient hearing : This
 induced him to request permission to visit Canterbury for the counsel
 and blessing of the Archbishop†. Alexander contended, that the
 church

* The words of Eadmer are remarkable : ‘ Quae res multorum animos vulneravit, et
 ‘ in diversa distraxit, et electum, ne *Christianitati corrigendae jure pontificali intenderet*,
 ‘ non parum debilitavit. Unde hi, quibus cordi erat suis voluptatibus magis quam
 ‘ Dei jussionibus obtemperare, roborati sunt; et quoniam suorum morum correctionem
 ‘ formidabant, jam securi irridebant.’ We may conjecture that Eadmer’s intention of
reforming christianity by the pontifical law respected the favourite monastic doctrine of
 the coelibacy of the clergy.

† ‘ Rogo ut tuo favore profectus, Cantuariam ire me finas, quatenus consilium, quod
 ‘ mihi sit agendum, inde requiram, et *benedictionem pontificalem*, ad honorem Dei et ex-
 ‘ altationem regni Scotorum, *inde suscipiam* ;’ Eadmer. p. 133. He probably meant
consecration, although he chose to employ the less exceptionable phrase of *the bishop’s*
blessing.

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church of Scotland owed no subjection to Canterbury, and that Eadmer himself had been freed from all subjection to it; he therefore peremptorily denied the request. Eadmer replied, that one of the causes for sending him to Scotland was, 'the honour of the metropolitan see of Canterbury;' and that the Archbishop could never have intended to impair the antient privileges of that see by the ministry of one of her own sons. This answer only served the more to exasperate the King.

Eadmer had a friend in England, one Nicolas *, who wrote him a long letter of advice for his conduct at this critical season. He said, *Anglia Sacra* ii. 234. that nothing would be so conducive to soften the barbarity of the Scots, promote sound doctrine, and establish ecclesiastical discipline, as a *plentiful and hospitable board* †. That it was no wonder that the savage nature of a people should become tractable and courteous by means of such kind offices; for even brute animals, when fed and caressed by us, are tamed, and taught to prefer human society to that of their own species. He, therefore, admonished him to be hospitable and generous in bestowing, even beyond his abilities.

As to the pretensions of the see of York, Nicolas treated them with great contempt. He observed that Scotland had frequently furnished bishops to York; but that York had never furnished bishops to Scotland, before

* Wharton, *Anglia Sacra*, T. ii. praef. xiii. conjectures, that this Nicolas was Prior of Worcester, and bred at Canterbury under Lanfranc. If so, he has not followed the sentiments of his preceptor. I rather conjecture him to have been an ecclesiastical agent, whose business it was to solicit causes at the court of Rome; he seems to have been a bold lively man, decisive in his judgements, but incorrect.

† 'Quam nullo ingenio citius tuis moribus, quam largitate dapfilitatis conciliare potes;' *Anglia Sacra*, T. ii. p. 234. Nicolas here describes a Scottish priest to be, *animal naturâ ferum, largitate dapfilitatis mansuefaciendum.*

H

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before the days of Turgot ; that the bishop of St Andrew's is *the chief bishop of the Scots* [summus pontifex Scotorum] ; that he who is *chief*, must be *above* other bishops ; and therefore is, in effect, an Archbishop himself. That, if the Archbishop of York had any pre-eminence over the chief bishop of the Scots, he would, of consequence, be not only metropolitan, but also *Primate of another kingdom* ; yet we no where read of such pretensions * : ' It is no concern of yours,' adds Nicolas, ' to find a sufficient number of suffragans for the Archbishop of York ; let him find them himself wherever he can : If he cannot find enough to satisfy him, he may blame the negligence of his predecessors, or rather their rapacity, which has devoured four or five suffragan bishopricks.' Nicolas concluded with advising Eadmer, at once, to terminate the controversy between York and Canterbury, and the disputes of the two kings, by obtaining consecration from the Pope, under the favour of the Scottish monarch. He exhorted him boldly to execute the business of his church and nation, and never to permit the diminution of their freedom and dignity, while *he* was their bishop. Nicolas offered in person to assert their cause at the Papal tribunal, and requested that his offer might be made known to the King of Scots. The last words of his letter are singular : ' I entreat you to let me have as many of the fairest pearls as you can procure. In particular, I desire four of the largest sort. If you cannot procure them otherwise, ask them in a present from the King, who, I know, has a most abundant store †.'

Eadmer

* ' Jam non tantum metropolitanus, immo *primas esset alterius etiam regni*, quod nusquam legitur ;' *Anglia Sacra*, T. ii. p. 235.

† ' Praeterea rogo et valde obsecro, ut margaritas candidas, quantum poteris, mihi adquiras. Uniones etiam quascunque grossissimas adquirere potes, saltem quatuor mihi adquiri, per te magnopere postulo. Si aliter non vales, saltem a rege, *qui in hac re omnium hominum ditissimus est*, pro munere expete ;' *Anglia Sacra*, T. ii. p. 236. I make no apology for giving so full an account of this curious and characteristical letter.

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Eadmer also demanded the advice of John Bishop of Glasgow, and *Eadmer, 133.* of two Monks of Canterbury. Having sounded the inclinations of Alexander, they thus made answer to Eadmer: ‘If, as a son of peace, you desire peace, you must seek it elsewhere than in Scotland. As long as Alexander reigns, it will be vain for you to expect any friendly intercourse with him, or quiet under his government. We are thoroughly acquainted with his dispositions; it is his will to be every thing himself in his own kingdom. He is incensed against you, although he knows no reason for his resentment; and he will never be perfectly reconciled to you, although he should see reason for a reconciliation. You must, therefore, either abandon this country, or, by accommodating yourself to its usages, dishonour your character and hazard your salvation. Should you chuse to depart from among us, you will be constrained to restore the ring, which you received from the hands of the King, and the pastoral staff, which you took from off the altar. Without complying with these conditions, you will not be permitted to depart, unless you could *make to yourself wings and fly away.*’

Eadmer said, that he was willing to restore the ring to Alexander, as Alexander, being a laic, could not bestow what was represented by the delivery of it*: That, as he himself had taken the pastoral staff from off the altar, he would replace it *there*, and leave it to be bestowed by Christ: That, since force had been used against him, he would relinquish the bishoprick, under the condition of not reclaiming it during the reign of Alexander, unless by the advice of the Pope, the Convent of Canterbury, and the King of England.

In

* The general opinion is, that the ring was a symbol of the marriage of the Bishop and his church. Eadmer probably meant to infer that Alexander, being a laic, could not perform the ceremony of spiritual marriage; and, as he bestowed nothing by the ring, he could obtain nothing by receiving it back. If the one ceremony did not constitute the marriage, the other could not create a divorce. Eadmer, according to his own principles, ought not to have accepted of the ring at first from the hands of a laic.

1120.

In this manner, Eadmer was suffered quietly to depart from Scotland, and to return to Canterbury, whose pretensions he had supported with inflexible zeal.

Alexander gave a very different account of this transaction. He informed the Archbishop of Canterbury, that Eadmer would not accommodate himself to the usages of the country, and the manners of its inhabitants, as the exigencies of the times required: That, in the presence of fundry bishops, Earls, and good men of the nation, Eadmer had demanded to be disengaged from his obligations to the Scottish crown, and to be allowed to retire; and that he had positively declared, *that force alone could detain him in Scotland.* Alexander added, that he himself had offered instantly to make reparation, if it should be proved that he had injured Eadmer, either in words or by actions, or had neglected to perform any thing, which, in reason, he ought to have performed to him; but that Eadmer openly disavowed every charge of that nature: That the King, and all present, had tendered their dutiful obedience to Eadmer in all things just, and had requested him earnestly to remain at any rate in Scotland, until he should receive the counsel of the English King and the Archbishop of Canterbury; that Eadmer, nevertheless, persisted in his resolutions, and declared that he knew himself to be unfit for the office of bishop of St Andrew's; that he could not be useful *there*; nor could he remain in Scotland, without endangering his own soul and the souls of others. Alexander concluded with observing, that he was advised by his counsellors not to detain Eadmer by force; and, therefore, had dismissed him in peace.

‘Whether,’ says Eadmer, ‘this narrative be true, or sophistical, or false, *he* knows, who is acquainted with the devices and deceits of every man, and who will render unto every man according to his works.’

Some of Eadmer's familiars laboured afterwards to persuade him, that, as he had been canonically *elected*, although not *consecrated*, he
could

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could not quit his bishoprick without transgressing the laws of the church; and that, in some sense, a stronger right was conferred by *election*, than even by *consecration* itself.

Convinced, or wishing to be convinced by such arguments, Eadmer wrote a long and studied epistle to the King of Scots, setting forth his pretensions to the bishoprick: 'I acknowledge,' said he, 'that I resigned the bishoprick; but permit me to observe, that I resigned what I could no longer hold.' He added these memorable words: 'I mean not, in any particular, to derogate from the freedom and independency of the kingdom of Scotland. Should you continue in your former sentiments, I will desist from my opposition; for, with respect to the King of England, the Archbishop of Canterbury, and the sacerdotal benediction, I had notions, which, as I have since learned, were erroneous. They will not separate me from the service of God and your favour. In those things, I will act according to your inclinations, if you only permit me to enjoy the other rights belonging to the see of St Andrew's *.'

In a more lofty style, the Archbishop of Canterbury addressed Alexander †. He demanded the recal of Eadmer, as being the bishop canonically

* 'Ne tamen putetis me in aliquo velle quicquam derogare libertati vel dignitati regni Scotorum, securum vos esse volo; quia, quod a me petiistis, et ego tunc quidem acquiescere nolui, aestimans aliud quam, secundum quod postmodum didici, aestimare debebam, de rege scilicet Anglorum, de pontifice Cantuariorum, et de benedictione sacerdotali, si hucusque persistitis in sententia vestra, me amplius contradictorem non habebitis, nec illa me a servitio Dei et amore vestro, quin quod volueritis faciam, ullo modo divellent: Tantummodo alia quae pontificis Sancti Andreae juri competunt, mihi licet, cum vestra bona voluntate, administrare;' *Eadmer*, p. 140.

† Ralph Archbishop of Canterbury died in 1122. It is said, that a palsy, with which he was seized three years before, had rendered him unfit for business; *Anglia Sacra*, T. i. p. 7. If this was the case, the correspondence with Alexander must be ascribed to the Monks of Canterbury, not to the Archbishop.

1120.

canonically elected, and he assured the King, that, while Eadmer lived, the church of St Andrew's could have no other bishop; for, 'When the spouse of God despises her lawful husband, she becomes an adul-tress.'

But the submissions of Eadmer, and the peremptory requisition of the Archbishop of Canterbury, were in vain. Alexander remained inexorable.

1121.

S. Dunelm.
243.
Anglia Sacra,
i. 708.

To repress the inroads of the Scottish borderers, Ralph Flambard, Bishop of Durham, founded the castle of Norham, on the south bank of Tweed, a work truly public-spirited, and executed with views of permanent utility: It does honour to the founder, in his own age the most unpopular of ministers*.

1122.

S. Dunelm.
245.
Fordun, vi. pr.

Sibilla, the wife of Alexander I. died suddenly †, [at Loch-Tay, 12th June].

S. Dunelm,
245.

We have seen, that, in the opinion of the Bishop of Glasgow, Eadmer, 'by accommodating himself to the usages of Scotland, would have dishonoured his character and hazarded his salvation.' Yet, when
Thurstin,

* In *Anglia Sacra*, T. i. p. 708. there is a well drawn picture of Ralph Flambard, by a monk of Durham. Among other particulars, equally characteristical, he observes, 'Eum vastiori semper clamore, vultuque minaci, magis simulare indignationem quam exhibere; ad haec facunda ei verborum inventio, quae feriis admiscens jocularia, dubios veri et falsi suspendit auditores. Impulso quodam impatiente otii de opere transibat ad opus.' He built great part of the cathedral of Durham.

† Her character is represented in an unfavourable light by *W. Malmfbury*, p. 158. 'Alexandrum Henricus affinitate detinuit, datâ ei in conjugem filiâ nothâ, de qua ille viva nec sobolem, quod sciam, tulit, nec ante se mortuam multum suspiravit; defuerat enim foeminae, ut fertur, quod desideraretur vel in morum modestia vel in corporis elegantia.' This may imply, 'That Sibilla was lewd and ugly.' If the historian meant, 'That she was either lewd or ugly,' the expression is indecent and absurd.

July.

1122.

Thurstin, Archbishop of York, required canonical obedience from this man, he boldly refused it. On his refusal, Thurstin suspended him from the episcopal office; the Bishop appealed to Rome, and repaired thither in person. The result of this appeal is not certainly known; one historian says, 'That the Bishop was enjoined to return to his see;' hence it might be concluded, that the sentence of suspension was removed *.

S. Dunelm.
245.S. Dunelm.
248.

1123.

About January 1123-4 Alexander procured one Robert, an English monk, and Prior of Scone, to be elected Bishop of St Andrew's. The Archbishop of York renewed the pretensions of his see; but the Scots asserted, that St Andrew's depended not on York, either of right or by long usage †.

S. Dunelm.
245.

1124.

ALEXANDER I. died [27th April.] He was succeeded by his brother DAVID.

S. Dunelm.

245. No notice of Alexander is to be found in this page, but in col. 251 he dates the death upon the 26th. Ald. Gen. reg. Angl. 368.

Aldred says of Alexander, 'That he was humble and courteous to the clergy; but, to the rest of his subjects, terrible beyond measure; high-spirited, always endeavouring to compass things beyond his power;

* S. Dunelm says, p. 245. That the Bishop of Glasgow, perceiving his cause to be protracted at Rome, undertook a pilgrimage to Jerusalem, and resided *there* with the Patriarch for some months; and, p. 248. That the Pope recalled him from Jerusalem, and enjoined him to return to his bishopric. 'Episcopus Glasguensis ab apostolico re-vocatus ab Jerosolymis Romam, *praecipitur redire ad suum episcopatum.*' It will be seen in the sequel, that this bishop disliked his diocese. The Chronicle of Melros, p. 164. relates this with too much brevity: 'Episcopus Glasguensis Romam et Hierosolymam proficiscitur,—compellitur redire ad episcopatum.'

† S. Dunelm, p. 251. is partial in this national controversy, 'Scotti è contra dicebant *stultâ garrulitate*, hoc nullâ deberi fieri auctoritate vel consuetudine.' Nevertheless, this foolish prating of the Scots, as Simeon terms it, in the issue, confirmed the independence of their church.

1124.

‘ power; not ignorant of letters *; zealous in establishing churches,
 ‘ collecting relicks, and providing vestments and books for the clergy;
 ‘ liberal even to profusion, and taking delight in the offices of charity
 ‘ to the poor.’

Major. iii. 10.
Boece. xii. 262.

He appears, indeed, to have been of a fiery and headstrong disposition. Some of our historians ascribe feats of romantic valour to this Prince, in order to account for the appellation of *The Fierce*, by which he is traditionally distinguished. But, from the character which the Bishop of Glasgow gave of him to Eadmer, and from that which Aldred has transmitted to posterity, we learn why he received the appellation of *The Fierce*. By his passionate and imperious demeanour, he was terrible to his people. His education inclined him to favour the ecclesiastical order, and, at the same time, inspired him with sentiments of beneficence to the poor. We cannot admit that he endeavoured to compass things beyond his power; for we do not know that he was ever foiled in any of his undertakings; and we do know that he withstood the pretensions of the Archbishops of York and Canterbury †, and, with undaunted spirit, maintained the independency of the national church. The same spirit would have incited him to maintain the independency of his kingdom, had England ever attempted to call it in question, during his reign.

Fordun. v. 36.
 37.

His donations to the church were ample. He made a large grant of lands to the church of St Andrew's: He increased the revenues of the

* So I translate *litteratus*, which may either signify that ‘ the King could read,’ or that ‘ he was learned.’

† *Boece*, L. xii. f. 262. a. has surpassed himself in the relation of the King's valour, when ‘ He slew a traitor of his own household, and six robbers who assaulted him while ‘ alone and in bed.’ *Fordun* knew nothing of this attempt against the life of Alexander; his continuator, indeed, mentions a conspiracy by some ruffians of Mearns and Moray, two countries oddly associated, and says, that the King escaped through a jakes, [per latrinam.] *Boece*, not thinking this decent, has made the conspirators enter by that passage.

1124.

the monastery at Dunfermline, which his parents had founded: He brought a colony of canons regular, from England *, and established them at Scone, [1124.] To the same canons, he gave Loch-Tay, where his Queen Sibilla died. He built a monastery on an island in the Frith of Forth, and dedicated it to Columba †, [1123.]

Dalrymp. 371.*Fordun.* v. 37.

D A V I D.

DAVID, the youngest son of Malcolm III. passed his youth in England, at the court of his sister Matilda. ‘By his early converse with our countrymen,’ says Malmſbury, ‘his manners were polished from the rust of Scottish barbarity.’

W. Malmſbury 158.

Before his accession to the throne, he married Matilda, the daughter of Waltheof Earl of Northumberland, and widow of Simon de St Liz, Earl of Northampton.

1125.

John of Crema, a cardinal-priest, under the title *Sancti Chryſogoni*, legate from Pope Honorius II. held a council at Rokeſburgh ‡. The Pope

S. Dunelm. 252.
Wilkins, Con-
cil. i. 407.

* They were monks of St Oswald at Naſtlay, near Pontefract, in Yorkſhire; *Dalrymple*, p. 372. *Monasticon*, T. ii. p. 36.

† Alexander was in imminent hazard of perishing by a tempeſt near the little iſland of Inchcolm. He reached that iſland with much difficulty, and was detained there for three days, until the tempeſt ceaſed. A hermit entertained him hospitably out of his ſcanty ſtores. The King aſcribed his deliverance to the interceſſion of Columba, patron of the iſland, and teſtified his gratitude by erecting a monastery in it, known by the name of *St Colm*.

‡ The bull of Honorius, addreſſed to ſo devout a Prince as David, is worthy of obſervation. ‘Nobilitati tuæ rogando mandamus, ut dilectum filium noſtrum Johannem Cardinalem, cui vices noſtras in partibus illis commiſimus, reverenter ſuſcipias et honores.

1125.

Pope proposed, that the question concerning the pretensions of the see of York and the liberties of the Scottish church should be examined in this council; but he reserved its final determination to himself: His caution proved superfluous; for the council came to no resolution.

1127.

W. Malmfbury,
175.

Henry King of England endeavoured to secure the crown to his daughter Matilda, in defect of his own issue-male. The clergy, David King of Scots, *Stephen* Earl of Mortaigne and Boulogne, and every person of note, swore to maintain this settlement of succession*.

1128.

Anglia Sacra,
ii. 237. *Fl.*
Vigorn. con-
tin. 663.

The consecration of Robert Bishop of St Andrew's had been long delayed. It was now performed by Thurstin Archbishop of York. The Scottish nation would not permit any profession of obedience to be made to the see of York. The Archbishop performed the consecration without receiving that profession: *This* he declared he did 'for the love of God and of King David;' reserving always the claim of the see of York and the right of the see of St Andrew's†.

1130.

Anglia Sacra,
i. 160. *Chr.*
Melros, 165.

Our ancient historians relate, that, in this year, 'Angus Earl of Moray

'nores. *Episcopos etiam terrae tuae, cum ab eo vocati fuerint ad concilium suum, facies convenire;*' *Wilkins, Concil. vol. i. p. 407.*

* 'Quicumque in eodem concilio alicujus videbatur esse momenti;' *W. Malmfbury, p. 175.* This is a curious fact; but, as it relates to the history of England, I must not enlarge on it.

† The instrument drawn up on this occasion by the Archbishop of York is singular; it is published by Wharton, *Anglia Sacra*, T. ii. p. 237. 'Thurstinus Archiepiscopus, Dei gratiâ, Eboracensis, notum sit omnibus, tam praesentibus quam futuris, *absolutè me consecrâsse, sine professione et obedientia, pro Dei amore et Regis Scotiae venerabilis David, Robertum S. Andreae Episcopum, salvâ querelâ Eboracensis Ecclesiae et justitiâ Ecclesiae S. Andreae;* et si Archiepiscopus Eboracensis de querela sua loqui voluerit, Rex plenariam rectitudinem, remotâ malevolentîâ, ei exequetur, ubi justè debebit.'

1130.

‘Moray and his people were slain by the Scots, at Strickathrow in the ‘county of Forfar.’ Nothing is known of the causes and circumstances of this event *.

In the same year Matildis, the wife of David, died.

Fordun, v. 43.

1135.

Henry I. King of England died; his sister’s son, Stephen Earl of Mortaigne †, unmindful of his solemn engagements to Matilda the daughter of Henry, ascended the throne.

W. Malmesbury
177.

With an honest but precipitant zeal, David asserted the rights of his niece Matilda. He marched into England and took possession of the whole country to the north of Durham, excepting the castle of Bam- borough; he constrained the northern barons to swear fealty to Matilda, and to give hostages for performance of their oath.

J. Hagustald,
258.
Gesta Stephani
939.

When Stephen heard of this inroad, he calmly said, ‘What the ‘King of Scots has gained by stealth, I will manfully recover.’ Assembling a mighty army, he marched to Durham. David lay at New-castle, unable to encounter the united forces of those, who had formerly sworn to maintain the pretensions of Matilda. Even in this hazardous situation, he refused to do homage to Stephen for his English possessions: Yet he consented to restore all the lands and castles which

H. Huntington
387.

J. Hagustald,
258.

see M. Paris, 51.

he

* *Ordericus Vitalis*, says, p. 702. 703. that, in 1130, while David was at the court of Henry King of England, Angus Earl of Moray, and Malcolm a bastard son of Alexander I. at the head of 5000 men, rebelled in Scotland: That Edward, the son of Earl Siward, led an army against them, slew the Earl of Moray, and invaded and subdued the territory of Moray. But *Ordericus Vitalis* is an historian so ill informed, especially with respect to the affairs of Scotland, that I dare not rely on his evidence. Of Malcolm *the bastard of Alexander I.* and of Edward *the son of Earl Siward*, I know nothing.

† Stephen was Earl of Boulogne in right of his wife Matildis, the only child of Mary sister of David I. Thus, the wife of Stephen, and Matilda the daughter of Henry I. stood in the same relation to David I.

1135.

he had recently occupied. Stephen engaged to confer on Henry, Prince of Scotland, the honour of Huntingdon, with Doncaster and the castle of Carlisle, as an addition to it: Henry did homage to Stephen *, [February 1135-6.]

R. Hagustald,
312.

According to an English historian, 'Some persons who were present at this convention affirmed, that Stephen promised not to make any grant of the earldom of Northumberland, until the claim of Henry Prince of Scotland to that earldom was heard and determined †.'

1136.

R. Hag. 315.
J. Hag. 259.

David again took up arms, and prepared to invade Northumberland.

He

* Whether David did well, in allowing an homage, unlawful in his own opinion, to be performed by his son Henry, I leave to the determination of casuists. The truth is, that the delicacies of honour were little regarded in an age when the plainest and most solemn oaths were openly violated. I do not recollect to have observed, in any contemporary historian, the least censure of David for what, at first sight, has the appearance of a subterfuge; *William Malmfbury*, p. 179. says, 'Nec difficile Stephanus ab eo quod voluit, impetravit, quia et ille morum lenitate et propiori jam senectute infractus, libens in otium vel verae vel simulatae pacis concessit.' I cannot impute this treaty to the easy temper of David; for his whole conduct, during a long reign, proves him to have been of a steady and resolute spirit; nor to the approach of old age; for, at that time, he could scarcely have attained his fiftieth year. John of Hexham says, 'Rex autem David receptum filium suum noluit ad Regem Stephanum remittere;' p. 258. This may imply, that Stephen had made himself master of the person of Prince Henry before the homage was performed; but, I think it most probable, that there was no compulsion used, and that David, perceiving himself deserted by the English Barons, who had sworn to maintain the pretensions of Matilda, yielded to the superior power of Stephen, and made the best peace that the exigences of affairs would admit.

† 'Ut quidam aiunt, qui se huic conventioni interfuisse testantur, promisit illi, quod, si comitatum Northumbriae alicui dare vellet, prius calumniam Henrici filii Regis Scotiae super eo justè in sua curia judicari faceret;' *R. Hagustald*, p. 312. The pretensions of the Prince of Scotland were founded on the right of his mother the heiress of Waltheof, formerly Earl of Northumberland; yet his mother had a son by her first marriage with Simon de St Liz.

1136.

He claimed that county, in the name of his son Prince Henry. The expectations of aid from the partisans of Matilda, and the absence of Stephen in Normandy, are supposed to have excited him to this attempt: Thurstin, the aged Archbishop of York, repaired to Rokesburgh, *Chron. de Mailros.* and persuaded the King of Scots to consent to a truce, until Stephen should return to England. Stephen, on his return, rejected the demands of David.

1137.

The truce having thus terminated, David invaded Northumberland. Part of his army, commanded by William the son of his bastard-brother Duncan, assaulted the castle of Werk *, the King and Prince Henry joined him with the rest of their forces. Jordan de Buffy, nephew of the renowned Walter l'Espece, commanded at Werk. The attempts of the besiegers to storm the place, or to win it by famine, were equally unsuccessful. Exasperated at this repulse, the Scottish army wasted Northumberland with merciless barbarity †.

The English historians candidly impute those horrible excesses to the Scottish soldiery, and vindicate their leaders, of whose moderation they produce some notable examples. David had granted a protection to the Abbey of Hexham; the youth of Hexham rashly attacked a party of the Scots, and slew their leader. The Scots, inflamed with revenge, ran to destroy the Abbey and massacre its inhabitants; William, the son of Duncan, interposed and stayed their fury. Amid the

* 'Carrum, quod ab Anglis Werk dicitur;' R. Hagustald, p. 312. 315.

† 'Coadunatus erat iste nefandus exercitus de Normannis, Germanis, et Anglis, de Northymbranis et Cumbris, de Tefwetadala et Lodonea, de Pictis, qui vulgo Galleweienfes dicuntur, et Scottis; nec erat qui eorum numerum sciret;' R. Hagustald, p. 316. *M. Paris, p. 49. says that Carlisle is "in limbo Anglie et Galwallie."*

1137.

the confusion of war, David had leisure to think of *restitution*: He gave back his part of the spoil to the Abbey of Hexham*.

1138.

R. Hagustald.

317.

M. Paris 52.

Stephen made haste to rescue the North of England from the Scottish invaders. At his approach, David retired and occupied a strong camp in the neighbourhood of Rokeburgh. It is said, that he concealed a body of troops in the town of Rokeburgh, with an intent to surprise Stephen, had he fixed his head-quarters *there*. One English historian scruples not to assert, that David maintained a secret intelligence with some of the chief leaders in the English army; and that, if Stephen had entered Rokeburgh, he would have been betrayed †. Be this as it will, it is certain that Stephen avoided that place, and crossed the Tweed at another passage. Without meeting any resistance, Stephen wasted the Scottish borders. Scarcity of provisions, and an affected unwillingness of his army to fight in the holy season of lent, obliged him to retreat.

R. Hagustald.

317.

Aldred. 346.

Eustace Fitz John, a powerful and valiant baron, and one in high favour during the last reign, held the important fortrefs of Bamborough. Stephen, distrusting his fidelity, or dreading his influence, commanded

* ‘ Verum tamen Rex, quotquot sibi in partem de praedâ obvenerunt, Roberto Priori Hagustaldensi restituit in pignus libertatis;’ J. Hagustald, p. 260. Here may be seen the traces of the antient practice of allotting part of the spoil to the commander of the army.

† ‘ Certus quippe fuit socios sibi fore conditae proditionis plurimos de proceribus Anglorum exercitus, qui et ad conflictum clandestinis consiliis conspirantes concitaverunt eum;’ J. Hagustald, p. 260.

1138.

ed him to be arrested *. Fitz John purchased his liberty by yielding up the castle. Abandoning his native country, he devoted himself to the King of Scots.

Stephen was constrained to march into the Southern parts of England, where many barons had risen in arms against his government. David seized the opportunity of his absence, and again invaded Northumberland † [31st March 1138.] He sent William the son of Duncan with a detachment of the men of Galloway into the west of Yorkshire: He himself, with the main body, marched by the east coast of Northumberland to the neighbourhood of Durham. The army under the King's command renewed the excesses which had dishonoured the former invasion. While the King endeavoured to restrain their outrages, a dangerous sedition arose. The Galwegians openly rebelled, and threatened to murder the King and his attendants ‡: A sudden and well-timed alarm was spread, that the English approached. The Scottish army tumultuously retreated to the borders. The mutiny having abated, David besieged the castle of Norham.

J. Hagustald.
260.

R. Hag. 318.
J. Hag. 261.

Mean-

* 'In curia contra patrium morem captus;' *Aldred.* p. 346. that is, if I mistake not, ordered him to be taken into custody, while he attended the sovereign, in consequence of being summoned to perform that feudal service. *Lord Lyttelton*, p. 270. seems to suppose, that the expression means, 'Without any proof of Fitz John's guilt, or form of a trial.'

† 'Peractâ paschali solemnitate, mox in proxima hebdomada, feriâ 6tâ, Rex Scotiae, 'in Northumbriam rediit;' *R. Hagustald*, p. 317. In 1138, Easter-day happened on 26th March.

‡ This singular incident is briefly related by R. of Hexham: 'Rex cum suis militibus haud procul a Dunelmo perhendinabat; ubi gravi seditione, propter quandam foeminam ortâ, Picti ipsum Regem cum suis extinguere minabantur: Quo pavore dum valdè anxiaretur, ecce falso rumore divulgatur exercitum de Suth-Anglia adventare;' p. 318.

Lord

1138.

J. Hag. 261.
R. Hag. 318.

Meanwhile, William the son of Duncan penetrated into Craven, and reached the borders of Lancashire. A considerable body of English opposed him at Clitherow near the sources of the Ribble *. By the first impetuous onset of the Galwegians, the English were totally discomfited, many prisoners were made, and great spoils carried away by the victors, [9th June.]

J. Hag. 261.
R. Hag. 318.

Norham surrendered to the Scots, after a feeble resistance. David dismantled it.

J. Hag. 261.

When Stephen obliged Eustace Fitz John to yield up the castle of Bamborough, he imprudently left him in possession of two other castles, Alnwick in Northumberland, and Malton in Yorkshire. The King of Scots, aided by Fitz John and his followers, marched forward into England, with the view of securing those castles. Meanwhile, he left a body of troops to blockade Werk. Stephen was so pressed in the south of England, that he could oppose no army to the Scots, whose number exceeded twenty-six thousand. The only succour which he sent to the North consisted of a body of cavalry, commanded by Bernard de Baliol, a Yorkshire baron.

R. Hagustald.
321.

The inhabitants of the north of England had no resources left, but in their own valour, and the policy of Thurstin Archbishop of York. Thurstin artfully called in the aid of religion, while he encouraged the English to fight for their country, families, and fortunes. Unable, from age and infirmities, to appear in public himself, he appointed
Ralph

Lord Lyttelton, v. i. p. 268. supposes the rumour to have been spread by David himself. The stratagem was bold and judicious.

* * Willielmus filius Dunecani circa Clitherow caedens et persequens, procinctum militiae Anglorum in turmis quatuor sibi occurrentem excepit: Quem *primâ con-*
gregationis

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Ralph Nowel, titular bishop of the Orkneys *, to act as his vicegerent. He commanded the priests of every parish, within his diocese, to come out in procession with their crosses, banners, and holy relicks; he enjoined all men, capable of bearing arms, to repair to the general rendezvous of the barons, 'in defence of Christ's church against the barbarians.' He promised victory to the English, if they were penitent, and salvation to those who should fall in battle.

Thurstin also held a convention of the barons at York, heard their *R. Hag. 321.* confessions, kept a solemn fast with them for three days, bestowed absolution, with his blessing, on them all, and delivered into their hands his crozier and metropolitan banner †.

The barons rendezvoused at Thresk. Thither William Earl of Albemarle, and many other eminent persons, repaired. Roger de Moubray Earl of Northumberland, though a child, was conducted to the *R. Hag. 321.*
Aldred. 337.
army,

'gregationis constantiâ in fugam actum internecioni dedit, multamque praedam et multitudinem captivitatis adduxit. Hoc bellum factum est inter Anglos, Pictos, et Scotos, apud Clitherow feriâ 6tâ, die xv. ante nativitatem Sancti Johannis Baptistae, anno 1138;' *J. Hagustald, p. 261.*

* Of this vagrant bishop, the Continuator of Florence of Worcester thus speaks, p. 663.: 'Radulphus, quoniam nec principis terrae, nec cleri, nec plebis electione, vel assensu, fuerat ordinatus, ab omnibus refutatus, et in loco pontificis à nemine susceptus est. Hic, quia nullius Episcopus urbis erat, *modo Eboracensi, modo Dunholmensi,* adhaerens, ab eis sustentabatur, et Vicarius utriusque in episcopalibus ministeriis habebatur.' It is probable, that he had been nominated bishop of the Orkneys by the Archbishop of York; but that the diocese would not receive a bishop nominated by that authority.

† Lord Lyttelton, v. i. p. 273. calls it 'A banner consecrated to St Peter.' *R. Hagustald, p. 321.* calls it '*Vexillum Sancti Petri*;' plainly, 'the banner of the Cathedral church at York dedicated to St Peter,' just as '*Vexillum Sancti Ulfredi* is the banner of the church of Rippon dedicated to St Wilfred.'

K

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army, and placed at the head of the vassals of that powerful family. But the person in whom the English reposed their chief confidence was Walter l'Espec, an aged warrior, judicious, and of mature experience *. To the guidance of his counsels they voluntarily submitted themselves.

R. Hag. 321.

The English endeavoured to negotiate a peace with David. They sent Robert de Bruce and Bernard de Balliol to the Scottish army, entreated the King to conduct the war with humanity, and, at the same time, offered, as conditions of peace, to procure from Stephen a grant of the earldom of Northumberland in favour of Prince Henry. David rejected the proposal with disdain. He already possessed the greatest part of that country, and had more than a probable view of extending his conquests. Besides, he had taken up arms, not on his own account alone, but also in support of the pretensions of his niece Matilda, which the English themselves had sworn to maintain. Bruce, on this occasion, renounced the homage which he had performed to David for a barony in Galloway. Balliol also gave up his fealty † which he had once sworn to David.

J. Hag. 261.
R. Hag. 321.

On Cutton moor, in the neighbourhood of Northallerton, the English standard was erected. It was the mast of a ship, fitted into the perch

* See his character in *Aldred*, de bello Standardi, p. 337. who has likewise drawn the characters of some other leaders in the English army.

† 'Itaque Robertus reddito homagio quod ei fecerat, et Bernardus fidelitate quam una vice ab eo deprehensus illi juraverat, ad suos socios reversi sunt;' *R. Hagustald*, p. 321. There was nothing improper in Bruce's renouncing his homage; because such renunciation implied that he quitted all claim to his estate in Scotland. If Balliol's fealty was not connected with a land-estate, it is more difficult to understand how he could renounce it. *R. of Hexham* seems to insinuate that the oath was *constrained*, not *free*. This, however, is dangerous casuistry.

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perch of a high four-wheeled carriage: From it were displayed the banners of St Peter of York, of St John of Beverley, and of St Wilfred of Rippon: On the top of this mast there was a little casket, containing a consecrated host*.

David endeavoured to surprize the English army: He commanded his troops to abstain from the burning of villages, that the progress of their march might not be traced by the smoke. A thick mist favoured his enterprize: He approached without discovery: The alarm arose: The English ran to their arms unprepared and disorderly †.

*Contin. Fl. Vi-
gorn. 670.*

To gain time at this critical conjuncture, they dispatched Robert de Bruce to the King of Scots. Bruce was an opulent Baron, advanced in years, of respectable manners, wise and eloquent; during a long residence in Scotland he had been admitted into friendship and familiarity with David.

*Aldred. de bel-
lo stand. 343.*

He represented to his old master, ‘ That the English and Normans, against whom he now fought, had frequently asserted the rights of the monarchs of Scotland against their rebellious subjects. That his supposed enemies were indeed more faithful to the royal family than the Scots themselves: That the Scots rejoiced in this unnatural war, as it afforded them an opportunity of wreaking their resentment on the

* From this standard, the action which ensued is termed *bellum standardi*, i. e. the battle of the standard, not the war, as the phrase has been sometimes translated. There is a rude ancient sketch of the standard and its carriage in Aldred, p. 339. The manner of placing the banners is so delineated in it, as to show that the draughtsman had a very imperfect idea of the subject of his design.

† This circumstance is related by the continuator of Florence of Worcester, p. 670. ‘ Rex Scotiae decrevit nostros praecoccupare, quia in articulo ipsius diei maxima nebula erat, et sic, ex improviso se venturum super ipsos sperans, *multas villas intactas reliquit, nec suos, sicut solebant, ipsa die aliquid ardere permisit.* Nostri tamen tarde a quodam armigero praemoniti, et poenè praecoccupati, citissimè se armantes et ordinantes, sagittarios praemiserrunt,’ &c.

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‘ the nation that had often frustrated their treasonable devices.’ He displayed the savage and infernal outrages of the Scottish army, and their violation of all the laws of humanity and religion. ‘ I charge your conscience,’ said he, ‘ with the innocent blood which cries aloud for vengeance. You have beheld the enormities of your army; you have mourned for them; you have openly disclaimed any approbation of them: Prove now the sincerity of your protestations, and withdraw your people from a war, disgraceful in all its operations, and dubious in the event. We are not mighty in numbers, but we are determined; urge not brave men to despair. To see my dearest master, my patron, and my benefactor, my friend, and companion in arms, with whom I spent the season of youth and festivity, in whose service I am grown old, to see him thus exposed to the dangers of battle, or to the dishonour of flight, it wrings my heart*.’ At these words he burst into tears. The King wept. ‘ Thou art a false traitor, Bruce,’ cried William the son of Duncan. Bruce was dismissed from the Scottish camp; at parting, he again renounced his homage to the King of Scots.

Aldred. 342.

David, by the advice of his chief commanders, resolved begin the attack with the men at arms and the archers. But the Galwegians † claimed

* Aldred records this speech of Bruce. Aldred was honoured with the peculiar confidence of David; we may, therefore, presume, that the speech is not merely the invention of the historian: I have selected its most probable and striking circumstances. The reader who desires to see it, with all the ornaments of monastic eloquence, may consult *Aldred de bello standardi*, ap. Twissden, v. i. p. 343.

† It is remarkable, that different English historians call these men *Picti*, *Scoti*, *Galwenses*, et *Loenenses*. Thus ‘ *Scotti et Picti* ;’ *J. Hagustald*, p. 262. ‘ *In fronte belli errant Picti* ;’ *R. Hagustald*, p. 322. ‘ *Resistere Galwenses* ;’ *Aldred*, p. 342. ‘ *Acies Loenensium*, qui gloriam primi ictus a Rege Scottorum invito praeripuerant ;’ *H. Huntington*, p. 388. This strange contrariety ought to teach us, that the English historians are

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claimed that pre-eminence, as being due to them by ancient custom. Elated with their easy victory at Clitherow, they over-valued their own prowess, and rashly despised the enemy.

Most of the men at arms were subjects of England, who, disgusted at home, had ranged themselves under the banners of the King of Scots. This circumstance failed not to excite national contests, at a season when the public interest required unanimity.

‘Whence arises this mighty confidence in those Normans?’ said Malise Earl of Strathern to the King, ‘I wear no armour; yet they who do will not advance beyond me this day.’ ‘Earl, You boast of what you dare not perform,’ cried Alan de Percey *. David repressed this seditious altercation, and unwillingly yielded to the demands of the Galwegians.

The King of Scots ranged his army in three bodies; the *first* was composed of the Galwegians under their chiefs, Ulgric and Dovenald; the *second*, of the men at arms, the archers, and the inhabitants of Cumberland and Teviotdale; it was led by Prince Henry, a young man whose intrepid valour and gentle manners endeared him to Scotland; he was placed under the guidance of the experienced Fitz John. The *third* body was composed of the troops of the Lothians, with the islanders and volunteers. The King himself commanded the reserve; in it he placed the Scots, properly so called, and the inhabitants of Moray †. Some English

are no certain guides for ascertaining the denominations of the different tribes who inhabited Scotland in ancient times; an observation so very obvious has not been attended to by our Antiquaries.

* A bastard son of the great Baron of that name; *Aldred de bello standardi*, p. 342.

† Lord Lyttelton has not treated this subject with his usual accuracy. In the second body, or, as he chuses to call it, ‘in the second line,’ he places ‘the Tweedale militia,’ vol. i. p. 281. But *Aldred*, p. 342. expressly says, ‘adjunctis tibi Tevedalensibus;’ the

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Aldred, 343. English and Normans were appointed as a guard around his person.

R. Hagustald, 322. The enemy formed one compact body, having *the standard* in the center. The men at arms dismounted and removed their horses into the rear, and, mingling with the archers, ranged themselves in the front of the battle.

H. Hunting-ton, 300. The Bishop of Orkney exhorted the English to battle in the name of Archbishop Thurstin: He promised them victory, and absolved from their sins all who should die in the cause of their country. *Amen, amen,* resounded from every quarter.

Aldred, 339. &c. The aged and venerable Walter L'Espece ascended the carriage in which the holy standard was fixed, and harangued the surrounding multitude. He reminded them of the glory of their ancestors, and described the barbarities of the Scottish invaders. 'Your cause is just; it is for your all that you combat: I swear,' said he, grasping the hand of the Earl of Albemarle, 'I swear, that on this day I will overcome the Scots or perish.' 'So swear we all,' cried the Barons assembled around him.

With

the men of *Teviotdale*, not *Tweeddale*. He says, that 'the third line was composed of Lothian and *Highland foot*;' but, according to *Aldred*, p. 343. 'Tertium cuneum Laodoneses cum insulanis et *Lavernanis* fecerunt.' The word *Lavernani* is unintelligible to me. I imagine that *Caterani* is intended, i. e. the *Kerns*; whom I have termed volunteers, but who might, with more propriety, be termed *freebooters*. *Harris*, notes to Ware's *Hibernia*, 161. has these words, '*Catherani*, Irish; *Keatbern*, a company, vulgarly *Kerns*.' He adds, that it originally signified a *band of soldiers*; but is now taken in a contemptuous sense. It is singular, that David should have composed the third body of islanders and the men of Lothian, different from each other in garb, manners, and language. I presume, that he placed no confidence in them. Lord Lyttelton supposes, that *the lowland Scots* were in the reserve: This is erroneous, and also inconsistent with the tenor of his own narrative. In those days, *Moray* comprehended great part of Inverness-shire. The Scots, properly so called, were the inhabitants of the tract between the Frith of Forth, and the country then called *Moray*. They were the *Scoti* of the reserve, not *the lowland Scots*.

1138.

With horrible yells the Galwegians rushed on. The shock was fierce, and continued two hours, with obstinate valour. The English spearmen began to give way; but the archers supported them, and with incessant showers of arrows overwhelmed and dismayed the Galwegians: Their leaders, Ulgric and Dovenald fell; their disorder became universal, when the Prince of Scotland charged at the head of the cavalry, pierced through the English phalanx *, attacked and dissipated the troops which guarded the horses in the rear. The Galwegians rallied, and prepared to renew the combat; at that decisive moment, an English soldier, cutting off the head of one of the slain, raised it aloft, and cried, 'The head of the King of Scots.' The report of the King's death re-animated the English, and spread consternation throughout the Scottish army. The Galwegians cast away their arms; the troops of Lothian, the islanders, and all who composed the third body, fled without shew of resistance. The King leapt from his horse, and brought up the reserve to support the infantry of the second body; but the Scots, abandoned by so many of their companions, were now dispirited and feeble. The nobles who attended on the person of the King, saw that the day was irrecoverably lost; they urged, and even compelled him to retreat. The fugitives, perceiving the royal ensign displayed †, rallied around it, opposed a formidable body to the conquerors, and checked their pursuit. This memorable battle was fought on the 22d August 1138.

David

* *Aldred*, p. 345. expresses this more forcibly, 'Prince Henry,' says he, 'dispersed the English army, as if it had been a cobweb; 'ipsâ globi australis parte instar cassis araneae dissipatâ.'

† *Aldred* says of the royal ensign, 'Regale vexillum, quod ad similitudinem draconis figuratum, facile dignoscebatur;' p. 346. In those days, 'The lion with the double tressure, fleurs de lis, in memory of our ancient alliance with France,' was unknown.

1138.

Aldred. 346.

David reached Carlisle with the remains of his army. The inhabitants of the country, exasperated by the recent cruelties of the Scots, massacred the stragglers in their retreat.

Aldred. 346.

For some days, the King remained ignorant of the fate of his son. When Prince Henry returned from the chase of the fugitives, whom he had inconsiderately pursued, he saw that the battle was lost. He ordered his companions to throw away their banners, and mingle themselves with the English. Pretending to join in the pursuit, he escaped unknown; and, through by-ways, after many hazards, arrived at Carlisle.

R. Hagustald. 323.

He found tumult and confusion in the camp. The spirit of mutiny, which had appeared on the morning of the battle, grew outrageous after the defeat. The Scots, a mixed multitude, irritated at the loss of honour, and inflamed with mutual animosities, turned their weapons against each other. Rapine and licentiousness every where prevailed. Amid popular seditions, a brave and virtuous man acts like a superior being. David interposed his authority, made the voice of law and reason to be heard, and stilled and chastised the offenders. He bound his whole army by a solemn oath, 'Never to desert him in war;' and even exacted hostages to secure the performance of this oath. That his soldiers might not relapse into mutiny, through want of employment, he led them to the siege of Werk, the castle of Walter l' Espec.

*R. Hagustald. 326.**R. Hag. 325.**J. Hag. 264.*

Alberic Bishop of Ostia, the papal legate, in the genuine reconciling spirit of Christianity, negotiated a treaty between England and the King of Scots. He threw himself at the feet of the King*, and besought him to listen to terms of accommodation. David, after much entreaty,

* This very singular circumstance is recorded by Richard of Hexham: 'Hujus rei gratiâ ad ejus pedes cecidit;' p. 326.

1138.

entreaty, consented to refrain from hostilities, except against the castle of Werk, until the middle of November.

The Legate persuaded the Galwegians to restore all the women whom they had driven into captivity. The whole Scottish army came under the most solemn engagements to the Legate, 'Neither to violate churches, nor to murder any, incapable, from their age or sex, of making resistance *.'

A party of Scottish freebooters had plundered some villages belonging to the priory of Hexham. The Prior went to seek redress from David, who had granted his protection to the territories of that priory. The King anticipated his request; he lamented the injury done, and promised to make reparation. What he promised, he conscientiously performed.

David

* John Bishop of Glasgow had deserted his bishoprick, and retired into a convent of benedictines in France. In an assembly of the clergy and barons at Carlisle, it was resolved, that a messenger should be dispatched to him, with letters from the legate and the King, requiring his return; and that, if he returned not, sentence should pass against him; *R. Hagustald*, p. 325. The same historian says, that, at that season, the Scottish nation submitted to acknowledge Innocent II. as lawful Pope: 'Illi vero diu a Cifalpina, immo ferè ab universa ecclesia, discordantes, exosae memoriae Petro Leonis, et apostasiae ejus, nimium favisse videbantur. Tunc vero, divinâ gratiâ inspirante, mandata Innocentii Papae, et Legatum ejus, omnes unanimiter cum magna veneratione susceperunt;' p. 325. The plain intendment of this passage is, that the Scots renounced the party of the Antipope, and submitted themselves to Innocent II. From words so unambiguous, Sir James Dalrymple has drawn this extraordinary inference, that the Scots differed from the Latin church in the doctrine of the Lord's supper, and other articles of faith, and espoused the opinions of Berengarius; p. 258. 261. Sir James had an hypothesis to maintain, that the Scottish church was not *Latinized*, as he expresses it, until the reign of David I. In searching for proofs of his hypothesis, he met with this passage in *R. of Hexham*, and pressed it into his service.

L

1138.

David reduced the castle of Werk by famine. He bestowed due honours on the besieged for their gallant resistance *, razed that fortress, and returned into Scotland, more like a conqueror, than like one whose army had been routed.

1139.

R. Hagustald.
329. 330.

Peace was concluded, at Durham, between Stephen and David, through the mediation of Matildis, the wife of Stephen, and niece of David. By this treaty, Stephen yielded, to Henry Prince of Scotland, the whole earldom of Northumberland, excepting the fortresses of Newcastle and Bamborough. As an equivalent for them, he agreed to give lands in the south of England. He allowed the barons, who held their lands of the earldom of Northumberland, to hold them of Prince Henry, saving fealty to the English King. It was also provided, that the laws, established in Northumberland by Henry *Beauclerc*, should be inviolably preserved †.

David, his son, and all his people, became bound to maintain perfect amity with Stephen. For that purpose, five hostages, the sons of

* ‘Milites qui intus erant, prae inopia victualium, equos suos interfecerant, ac sale conditos jam ex maxima parte eos comederant. Rex XXIV equos eis dedit, ac illos cum armis suis abire permisit;’ *R. Hagustald.* 326.

† Some of our historians have the effrontery to convert David’s overthrow at Cutton moor into a victory. *Boece*, L. xii. fol. 265. a. says, that the English were vanquished at Allerton, and that their general, the *Duke of Gloucester*, was made prisoner. At that time there was no *Duke of Gloucester*. The historian betrays his ignorance of history, if he means the *Earl of Gloucester*: For he was the enemy of Stephen, and the faithful partisan of Matilda. *Boece*, however, is pleased to acknowledge what never happened, That, some time after this battle of Allerton, a tumultuary body of Scots was attacked and worsted by the English. *Bellenden*, the translator of *Boece*, fol. 196. a. speaks of the victory obtained by the Scots at Allerton, and makes the treaty of peace to have ensued in consequence of that victory.

1139.

of the chief of the Scottish nobility *, were delivered to the English.

[9th April 1139.]

Richard of Hexham ascribes the concessions made by the treaty in favour of Scotland, to the partiality of the Queen for her uncle the King of Scots; as if that excellent woman would have sacrificed the interests of her husband and her son to those of her uncle. The peace of Durham was not dishonourable; for it was necessary. It is true, that the barons, whose estates had been ravaged by the Scots, importunately demanded the continuance of the war, in order to revenge their own injuries: But it would have added nothing to the stability of Stephen's government, although those barons had wasted Lothian, with a barbarity resembling that by the Scots in Northumberland. *The holy standard* could not insure victory in every battle. Such solemn pageants, by a too frequent exhibition, lose their efficacy. The inhabitants of the north of England, although they assembled unanimously in defence of their country, would not have concurred with equal ardor in attacking the territories of the enemy. The action at Cutton moor checked the progress of David's arms; but it neither sunk the spirit, nor much impaired the strength, of the nation. The principal loss had fallen on the Galwegians; a race of men not more formidable to the English by their valour, than to the armies in which they served by their mutinies, licentiousness, and rapine. Stephen, by yielding up Northumberland,

R. Hagustald.
329.

* 'Ut de fidelitate eorum securior esset, filium Gospatrici Comitiss, et filium Hugonis de Morvilla, et filium Fergusi Comitiss, et filium Mel. et filium Mac. scilicet, *quinque Comitum* de Scotia, ei obsides dare debebunt;' R. Hagustald. p. 330. In this passage, R. of Hexham speaks of Hugh de Morville as being an Earl. I do not know, that he ever had the territory and jurisdiction of an Earl. It has been conjectured, that *Mel.* implies Malise Earl of Strathern, and *Mac.* M'Duff Earl of Fife; but this is merely conjecture in a matter of no moment.

1139.

berland, yielded up a territory already impoverished, and necessarily exposed to the future inroads of the Scots. By retaining the fortresses of Newcastle and Bamborough, he kept possession of what he seemed to relinquish. Above all, it was of high importance to separate David from the party of Matilda. Such appear to have been the chief motives of the peace concluded at Durham.

J. Hag. 265.
H. Hunting-
ton. 388.

Prince Henry repaired to Stephen at Nottingham, and ratified the treaty. He accompanied Stephen to the siege of Ludlow castle. Advancing too near the walls, he was unhorsed by the besieged *. Stephen gallantly rescued him.

W. Gemetic.
viii. 40. 41.

Returning from the siege of Ludlow, Prince Henry married Ada, the daughter of the Earl of Warenne and Surrey, a lady of noble blood, and nearly related to the chief persons at the English court †.

Lyttelton. i.
298. &c.

The government of Stephen appeared at this time to be firmly established. By what imprudence he alienated the affections of the clergy from his cause, and again involved the nation in the miseries of civil war, is related at full length by the English historians.

The

Nearly the same words are used by
H. Paris, p. 93.

* *Henricus uncoferreo equo abstractus, pene captus est; sed ipse Rex eum ab hostibus splendide retraxit;* *H. Huntington*, p. 388. To say that the Prince of Scotland was pulled from his horse by an iron hook, is so inconsistent with modern ideas of war, that it appears to be ridiculous; I have, therefore, recorded the event, omitting its circumstances.

† Isobella, daughter of Hugh Earl of Vermandois, the brother of Robert King of France, married Robert Earl of Meulant, the favourite minister of Henry Beauclerc. She bore him Waleran Earl of Meulant, and Robert Earl of Leicester. She afterwards married William Earl of Warenne, and bore to him William Earl of Warenne, and two daughters; the eldest married Roger Earl of Warwick; the second the Prince of Scotland.

1140.

The grant of the castle of Carlisle which Stephen had made to the Prince of Scotland, [in 1135-6] afforded one pretext for rebelling against him. Ranulph Earl of Chester had pretensions to that castle and the adjacent territory. He attempted, with an armed force, to surprize Prince Henry and his spouse, as they were returning to Scotland from the court of Stephen. Stephen prevented the execution of this daring enterprize. The Earl of Chester, enraged at the disappointment, seized the castle of Lincoln. A seeming reconciliation between the King and the Earl ensued: But the King having received intelligence that the castle was weakly guarded, unexpectedly laid siege to it. The Earl of Chester escaped out of the castle, and assembled a tumultuary body of troops: Joined by the Earl of Gloucester, he attacked Stephen, routed his army, and made him prisoner, [at Lincoln, 2d February 1140-1 *.]

J. Hagustald,
268.*W. Malmfbury*
186.*J. Hagu.* 269.

1141.

Matilda now triumphed. The citizens of London acknowledged her as their Queen. Her uncle the King of Scots repaired to her court, and counfelled her to show affability and moderation, qualities for which he himself was eminently distinguished. But Matilda despised his counfels; and, by her harsh and imperious demeanour, irritated those whom it was necessary to sooth. A conspiracy was formed against her; the Londoners rose in arms; the Queen fled: The King of Scots was the companion of her flight, and afterwards attended her when she escaped from Winchester. Surrounded by the enemy, he was rescued by a singular accident. There was a young man, named David Oliphant, who chanced to serve in the army of Stephen. Da-
vid

J. Hagu. 270.*W. Malmfbury*
189.

* Historians vary as to the year of the battle of Lincoln. *W. Malmfbury*, in a work addressed to the Earl of Gloucester, may be supposed to have fixed with precision the aera of his patron's victory; and yet he places it in 1142. This, I presume, must be imputed to the carelessness of transcribers.

1141.

J. Hagu. 271. vid had been his God-father: Oliphant concealed him so dextrously as to elude the strictest search, and conveyed him in safety to Scotland.

David had attended Matilda as a friend and an affectionate counsellor, not as a feudatary or a confederate. In the discharge of this duty, he underwent imminent hazards, and had the mortification to perceive that his salutary counsels were slighted. He now relinquished all concern in the affairs of England, and turned his whole thoughts to the civilization and government of his own kingdom.

W. Newbr. i. 79.—83. In such royal offices the remaining years of his reign were chiefly employed. During all that period, the public tranquillity was never interrupted but once: The circumstances of this event are related by an English historian, one well acquainted with the extraordinary personage who excited the disturbance.

A certain Englishman, of obscure birth, named *Wimund**, had, in his early youth, attained to some proficiency in penmanship: He earned for a while a miserable livelihood, by transcribing old writings in monasteries. He afterwards became a monk at the abbey of Furness, situated in a remote corner of Lancashire. He *there* applied himself to his studies with uncommon diligence. Endowed with the gifts of utterance, of a lively genius, and a memory eminently tenacious, he soon became distinguished above his fellows: He was sent into the Isle of Man, with some brethren of the convent †. His persuasive eloquence and

* *W. Newbr.* vol. i. c. 24. either knew no particulars of his birth, or inclined to suppress what he knew. He says of him, ‘obscurissimo in Anglia loco natus.’ *Fordun*, L. viii. c. 2. calls him ‘Malcolm M’Heth.’ It is probable, that different conjectures were formed as to the origin of this adventurer.

† In 1134, Olave King of Man gave certain lands to Ivo or Evan, abbot of Furness, for endowing an abbey at a place in his territories called *Ruffin*; *Chr. Man.* ap. *Dugdale Monasticon*, vol. i. p. 711. It may be presumed that Wimund was one of the monks sent to stock this new house of the Cistercian order.

1141.

and comely looks, and, as the historian adds, 'his portly figure*', so 'charmed the Barbarians, that they fought him for their bishop.' Not contented with his episcopal dignity, Wimund aimed at higher things, and pretended to be the son of Angus Earl of Moray, slain at Strickathrow in 1130. As he was a stranger, and as the inhabitants of Man had little intercourse with Scotland, there were none to confute the effrontery of his pretences. He declared his resolution to revenge his father's death, and vindicate his own right to the estates of his ancestors: He displayed the glory and advantages which would redound from this hardy enterprize. Many bold men, of desperate fortunes, espoused the cause of Wimund. Collecting together some vessels, he began to make piratical excursions into the neighbouring islands. He obtained for wife a daughter of Somerled Thane of Argyle. Whether Somerled believed Wimund to be the son of the Earl of Moray, or only from policy favoured an enterprize against Scotland, it is impossible for us to determine. Wimund next invaded the Scottish coasts, slew many of the inhabitants, and pillaged the country. David sent an army to repress those outrages; but Wimund constantly eluded the Scottish forces. He sometimes concealed himself and his followers amid forests; sometimes he retreated to his ships. As soon as the Scottish army was withdrawn, he came out of his covert, and renewed his depredations. His successes began to render him formidable to the Scottish government. Wimund attempted to levy contributions from the territories of a certain bishop†. 'I never will establish a precedent,' said the Scottish Bishop, 'for one Bishop's paying

Fordun, viii.2.

* 'Cum esset etiam producto et robusto corpore, ita barbaris placuit, ut ab eis in Episcopum peteretur;' *W. Newbr.* vol. i. l. i. c. 24.

† *W. Newbr.* vol. i. l. i. c. 24. Calls this Bishop '*vir simplicissimus*.' He must in all probability have been the bishop of Ross, Caithness, or Moray; but, to which of the three dioceses he belonged, it is impossible to determine.

1141.

‘ing tribute to another.’ He assembled his people, and, though with a very unequal force, marched out to oppose Wimund. To animate his followers, he began the onset by throwing a little hatchet. Wimund advancing in the front of his band, received the blow, and was felled to the ground. The Scots, encouraged by this prosperous omen, attacked and routed the enemy with great slaughter. Wimund hardly escaped. He collected, however, more forces, and continued his predatory war. David at length was obliged to enter into terms of accommodation with this daring and crafty adventurer, and bestowed a certain territory on him *: The insolence of Wimund excited the people to conspire against him: They surprized him, put out his eyes, and made him a eunuch †. It appears that he was delivered into the hands of David, and imprisoned in the castle of Rokeburgh. Having been pardoned, after a tedious captivity, he retired to the abbey of Biland in Yorkshire; and *there* spent the remainder of his days in retirement and ease. The spirit of this audacious man was not depressed nor even humbled by his calamities. He appears to have

Fordun, viii. 2.

* ‘Cedens illi quendam provinciam cum monasterio Furnesiensi, excursions ejus interdum suspendit;’ *W. Newbr.* vol. i. c. 24. Unless *M. Paris* has made a mistake, Wimund was sent back to the Isle of Man; for, he thus speaks, p. 60. ‘Eodem anno [1151,] Johannes monachus Sagiensis factus est secundus antistes Moinae insulae. Primus autem ibi fuerat Episcopus Wimundus monachus Saviniensis, sed, propter ejus importunitatem, privatus fuit oculis et expulsus.’ By *Saviniensis* he means *Forness*, whose mother, according to the monkish style, *Savigny* was.

It is singular, that this adventurer should have been advanced to the government of that very abbey of *Forness*, in which he had passed his earlier days. I do not know precisely what was the nature of the right of the King of Scots to the territory of *Forness*: Perhaps he held it with *Westmorland*, to which it is more intimately joined by its situation than to *Lancashire*.

† The expression of *W. Newbr.* vol. i. l. i. c. 24. is singular: ‘Utrumque illi oculum, quia uterque nequam erat, eruerunt, causamque virulenti germinis amputantes, eum, pro pace regni Scottorum, non propter regnum coelorum, castraverunt.’

1141.

have taken delight in relating his adventures to the friars at Biland.

‘He was wont to boast merrily,’ says W. Newbr. ‘that he was never *W. Newbr. i.*
‘overcome in battle, except by the faith of a silly Bishop*.’ At a-^{81.}
nother time, he is reported to have said, ‘Had they but left me the
‘smallest glimmering of fight, my enemies should have had no cause
‘to boast of what they did †.’

I have made this ample recital of the adventures and fate of Wimund, because his story is little known. Such was the flagitious impostor who disturbed the tranquility of a nation, happy and contented under the government of a virtuous Prince.

The precise period of Wimund’s invasions cannot be ascertained. They happened some time between 1141 and 1151, when he was deprived of fight.

During the course of the sage administration of David, public build- *Fordun, v. 53.*
ings were erected, towns established, agriculture, manufactures, and commerce promoted.

It has long been a popular opinion, that the treatise called *Regiam Majestatem* is an authentic body of the ancient laws of Scotland, compiled by the order of David I. That it contains many statutes enacted by David I. is probable. I formerly presumed to offer my sentiments concerning this subject, in *An examination of some of the arguments for the high antiquity of Regiam Majestatem*, published at Edinburgh 1769, in 4to.

There is less doubt, that most of the statutes in the collection called *LL. Burgorum* were enacted, or at least enforced, during the reign of David I.

The

* I have softened a little the expression in *W. Newbr.* vol. i. p. 81. ‘Solebat autem
‘hoc ipse postea inter amicos *cum jucunditate* narrare, tanquam glorians, *quod solus eum*
‘*Deus per simplicis episcopi fidem vincere potuisset.*’

† ‘Fertur tamen tunc etiam dixisse, quia si vel passeris oculum haberet, inimici e-
‘jus de actis in eum minimè exultarent;’ *W. Newbr.* vol. i. p. 82. 83.

1141.

Ald. ap. Fordun, v. 51.

The barbarities of the Scots in their invasions of England, affected David with inexpressible anguish. Such was the sensibility of his nature, that he resolved to abdicate the crown, and, by a perpetual exile in the Holy Land, to atone for the guilt, which, as the leader of a savage and ungovernable multitude, he had, in imagination, incurred: But the duty that he owed to his people restrained him.

1149.

R. Hoveden, 490. Gervas, 1366. J. Hagustald, 277.

Henry of Anjou, the son of Matilda, had an interview with David at Carlisle *. He received from him the honour of knighthood †, [at Whitfontide 1149.] He made oath, that, on attaining the English crown, he would restore Newcastle to David, and cede, to him and his heirs for ever, the whole territory between Tine and Tweed. Measures were there concerted for the dethroning of Stephen ‡. Ralph Earl

* *Henricus autem filius Matildis Imperatricis, jam 16 annorum juvenis, nutritus in curia David Regis Scotorum avi [i. avunculi] matris suae, factus est miles;* *R. Hoveden, p. 490.* The words seem to imply that young Henry was educated at the court of David; and so indeed our historians have understood them. It is certain, however, that Henry had no more than an occasional interview with his grand-uncle David. See *Gervas, p. 1366. W. Newbr. vol. i. p. 75. and J. Hagustald, p. 277.* The last author places this incident in 1150. Some of our antiquaries have imagined, that the education which Henry II. received at the court of David, may have created such a partiality towards Scotland as to induce the English lawyers of that age to adopt the system of laws compiled by David.

† *Aldred, in his treatise de Genealogia Regum Angliae, addressed to Henry II. makes this singular observation, 'Divinâ providentiâ actum existimo, ut illius mundissimae manus baltheo te cinxerunt militari, per quas, Christi gratiâ, virtutem tibi castitatis illius humilitatis et pietatis, infunderet;* p. 347. As if David could efficaciously touch for lewdness and pride, or communicate the virtues of chastity and meekness to Henry II.

‡ *Lord Lyttelton, vol. ii. p. 176. seems to consider the treaty of Carlisle to have been rather unfair on the part of David. That respectable historian did not recollect, that David was in possession of the country of Northumberland by virtue of the treaty of Durham,*

1149.

Earl of Chester, a capricious and unsteady man, entered into the concert. He renounced his ancient pretensions respecting Carlisle, and did homage to David. It was agreed, that the Earl of Chester should be put in possession of the honour of Lancaster, and that his son should marry one of the infant daughters of Henry Prince of Scotland. David, Henry of Anjou, and the Earl of Chester, jointly engaged to invade England. David and Henry marched to Lancaster; but not having been seconded by the Earl of Chester, were obliged to retreat. Stephen came into the north: Both Princes equally avoided an offensive war. Stephen was satisfied with repelling the Scots: David, unsupported as he was, could not attempt any thing against the government of Stephen.

About this time, David conferred the honours of Skipton and Craven on William the son of Duncan; and, with an armed force, put him in possession. The Scots again pillaged the places sacred to religion. David, in satisfaction of the injury, bestowed a piece of plate on every church that had suffered from the depredations of his army.

J. Hagustald,
279.

1152.

Henry Prince of Scotland died *, [12th June.] It is a trite observation, *Chr. S. Crucis.*
ap. Anglia
Sacra, i. 161.

ham, and that, what Henry yielded beyond the treaty of Durham, was only the fortresses at Newcastle, and perhaps the castle of Bamborough, which neither David nor he could at that time master. Such a cession was a poor equivalent for the hazards attending an offensive war with England.

* It is reported, that Malachias, an Irish saint, once cured him of a dangerous disease. S. Bernard thus relates the miracle: ‘Malachias invenit David Regem, qui adhuc hodie superest, in quodam castello suo, cujus filius infirmabatur ad mortem. Ad quod honorificè a rege susceptus est, et humiliter exoratus ut sanaret filium; aquâ cui benedixit, asperfit juvenem, et, intuens in eum, ait, Confide, fili, non morieris hac vice. Et die sequenti dictum secuta est sanitas. Henricus est iste, nam vivit adhuc, unicus patris sui, miles fortis et prudens, patriffans, ut aiunt, insectando justitiam et a-

morem

1152.

tion, that Princes who die before they have attained to sovereign power, are generally extolled beyond their merits. This is sometimes owing to the spirit of invidious comparison, sometimes to the credulity of an oppressed people, who fondly look for relief in a future reign. But, in those days, the voice of faction was not heard; Scotland affectionately and gratefully acknowledged the mildness of the government of David, and viewed the son in no other light than that of a Prince born to prolong the felicity which she enjoyed under the father. We may, therefore, consider the encomiums bestowed on the Prince of Scotland, as a tribute justly paid to his exemplary virtue. 'He was,' says Aldred, who knew him intimately, 'of manners more gentle, but 'in all things else resembling his father †.'

Fordun, v. 43.

The children of Prince Henry, by his wife Ada, were MALCOLM, born in 1142; WILLIAM, born in 1143; David Earl of Huntington, born in 1144 ‡; Ada or Elda, married in 1161, to Florence Count

'morem veri;' *S. Bernard vita S. Malachiae*, xi. ap. *Th. Messingham, Florilegium insulae Sanctorum*, Paris 1624. It is remarkable, that this cure was not instantly effected: The crisis happened not till the day after the salutary asperision.

† 'Excepto quod paulo suavior;' *Aldred* ap. *Fordun*, L. v. c. 43. In another place, he says, 'Rex David suscepit filium Henricum, virum mansuetum et pium, hominem 'suavis spiritus et lactei cordis, et dignum per omnia qui de tali patre nasceretur: 'Cum quo ab ipsis cunabulis vixi, et puer cum puero crevi, cujus etiam adolescentiam 'adolescens agnovi, quem, ut Christo servirem, corpore quidem, sed nunquam mente 'vel affectu, reliqui;' *Geneal. Reg. Angl.* p. 368. *J. Hagustald*, p. 280. describes him to have been 'modestissimi spiritus Princeps, homo disciplinatus, et temperatus, et de- 'votus in misericordiis pauperum.'

‡ *Andrew Winton*, MS. Chr. *Advocates Library*, affirms, that David Earl of Huntington was elder than his brother William. The same thing is mentioned by Bowmaker, the interpolator of *Fordun*, L. v. c. 43. I can give no probable account of the origin of this fiction.

1152.

Count of Holland; Margaret, married in 1160, to Conan IV. Duke of Britany *; Matildis, who died unmarried.

Chr. S. Crucis,
ap. Ang. Sa-
cra, i. 162. *Chr.*
Melros, 168.
Fordun, v. 44.
J. Hag. 280.

Immediately after the death of his son, David sent his grandson Malcolm on a solemn progress through Scotland, and ordered him to be proclaimed heir to the crown. His own advanced age and increasing infirmities, prevented him from assisting at the mournful ceremony of recommending an infant successor to the affections of his people.

He destined his territories in Northumberland as an appanage for his grandson William. He presented the boy to the Northumbrian Barons, required their promise of obedience, and took hostages for its performance.

Fordun, v. 44.

1153.

Having arranged all the affairs of the interior parts of his kingdom, he fixed his residence at Carlisle. On the morning of the 24th May, [1153] he was found dead in a posture of devotion †.

Aldred ap. For.
v. 59.

‘A more perfect exemplar of a good king is to be found in the reign of David I. than in all the theories of the learned and ingenious ‡.’ This is the sentiment of an historian whose principles are esteemed

Buchanan, vii.
122.

* She afterwards married Bohun Earl of Hereford. In the Claim of Robert de Pinkeny, [1291] she is called *Marjery*, See *Foedera*, T. ii. p. 576.

† ‘Die Dominicā, quae Christi ascensionem praecedebat, id est, nono kal. Junii illucescente, cum Sol noctis tenebras radiis suae lucis abigeret, ipse a corporalibus tenebris emergens, ad verae lucis gaudia commigravit, cum tanta tranquillitate, ut videretur non obisse; tanta etiam devotione, ut inventus sit utraque manus junctas simul super pectus suum versus coelum erexisse;’ *Aldred*, ap. *Fordun*, L. v. c. 59.

‡ ‘Ut enim superiores Reges, omni laudis genere praestantes, belli artibus aequaverat, studiis pacis anteierat: Jam, velut omiffa cum aliis de omnibus virtutis partibus contentione, secum sibi certamen proposuit; in eoque tantum profecit, ut summo ingenio homines doctissimi, qui boni Regis imaginem exprimere contenderunt, talem non potuerint animo cogitare, qualem se David totae vitae cursu praestitit;’ *Buchanan*, *Rer. Scot.*

L. viii.

1153.

esteemed unfavourable to monarchy. Such a sketch by Buchanan is of greater value than the studied performances of a thousand panegyrists.

Fordun, v. 47. Aldred has recorded many curious, although minute particulars, of the manners and private life of David. At the condemnation of the worst of criminals, his strong emotions of sympathy were visible to the spectators; yet, resisting the seduction of his tender nature, he constantly maintained the just severity of a magistrate. His apartments were always open to suitors; for he had nothing secret but his counsels *. On certain days he sat at the gate of his palace, to hear and to decide the causes of the poor. This he did, probably, with the view of restraining the enormities of inferior judges, so prevalent in loose times. To suppose that *he regarded the poor in judgment*, would be to impute ostentatious injustice to a wise and good man. While deciding against the poor, he attempted to make them understand and acknowledge the equity of his decisions †: An attempt equally benevolent and vain! At sunset, he dismissed all his attendants, and retired to meditate on his duty to God and the people. At day-break, he resumed his labours. He used hunting as an exercise; yet so as never to encroach on the hours of business. ‘I have seen
‘him,’

L. vii. p. 122. He speaks to the same purpose in the dedication of his history to James VI. ‘Sunt enim inter majores tuos in omni laudis genere viri praestantes, et quorum nullam unquam posteritatem pigebit; et, ut caeteros omittam, *neminem in ullis rerum reperias monumentis quem cum Davide nostro conferas.*’

* ‘Nullum ei secretum praeter consilia;’ *Aldred, ap. Fordun, L. v. c. 47.*

† Aldred relates this in the language of primitive simplicity. ‘Consueverat praeterea ad ostium aulae regiae sedens pauperum et vetularum, quae certis diebus de singulis quocunque veniebant regionibus, vocabantur, causas diligenter audire, et singulis cum multo labore satisfacere. *Nam saepe litigabant cum illo, et ipse cum eis, cum contra justitiam personam pauperis nollet in judicio accipere, et ipsi rationi quam ostendebat, nollent acquiescere;*’ *Fordun, L. v. c. 49.*

1153.

‘him,’ says Aldred, ‘quit his horse and dismiss his hunting equipage, when any, even of the meanest of his subjects, implored an audience.’ He sometimes employed his leisure-hours in the culture of his garden, and in the philosophical amusement of budding and ingrafting trees *.

Fordun, v. 52.

The liberality of David to the ecclesiastical order was highly extolled in former times. He founded some bishopricks, enlarged the revenues of others which his predecessors had founded, built and endowed many monasteries.

There was an ancient monastery of Culdees † at Dunkeld, dedicated to Saint Columba. In 1127, David converted it into a cathedral church. Gregory, Abbot of the Culdees, became the first bishop of the new see.

Dalrym. 243.

David founded the bishoprick of Ross; and, probably those of Dunblane and Brechin, towards the end of his reign. Whether the bishoprick of Caithness existed before his time, is uncertain.

Dalrym. 246. 388. Keith. Catal. of Bps. 92. 100. 122.

The see of Murtlach was translated by him to old Aberdeen, and its revenues liberally augmented ‡.

Keith. 60. 61.

In

* ‘Aut herbis plantandis, vel furculis, a sua radice excisis, alieno trunco inferendis, operam dabat;’ *Fordun, L. v. c. 52.*

† ‘Quos nominat vulgus *Kelledeos* five *Colideos*, hoc est, *colentes Deum, habentes tamen, secundum orientalis ecclesiae ritum, conjuges, a quibus, dum ministrarunt, abstinebant*, sicut postea in ecclesia S. Reguli, nunc S. Andreae, consuetum fuit;’ *Vitae Episcop. Dunkelden. ab Alexandro Myln canonico conscriptae, p. 3. MS. quoted by Dalrymple, p. 244.* The Presbyterians, and those who favour the order of bishops, have claimed the Culdees as belonging to their respective parties: The controversy has been agitated on both sides with obscure and angry argumentation. I imagine that the Culdees either were or wished to be *independents*.

‡ Sir James Dalrymple has published an inquisition concerning the lands belonging to the see of Glasgow, taken by authority of David, while he held the territory of Cumberland, under his brother Alexander I.; *Historical Collections, p. 337. &c.* This inquisition,

1153.

Dalrymple,
237. 403.
Spotiswood,
Relig. hous.
vii. 5. 1.

In the reign of his brother Alexander, [1113,] he brought a colony of Benedictine Monks from Tyron in France, and settled them at Selkirk *. He afterwards translated them to the neighbourhood of Marchmont or Rokesburgh, and erected an abbey at Kelso for their reception, [1128.]

Dalrym. 255.

In the same year [1128,] David founded an abbey for canons regular, in the neighbourhood of Edinburgh. The place is still called *Holy-rood-house* †.

He

inquisition, printed from a mutilated and most erroneous transcript, is, in a great measure, unintelligible; from it, however, we learn, that David was a zealous patron of the clergy, even in his early years.

* Formerly written *Selescherche*, i. e. the church in the wilderness, 'or forest.'

† It is called by *Fordun*, L. v. c. 48. *Monasterium Sanctae crucis de Crag*. It received this appellation from its vicinity to the precipice now called *Salisbury Craigs*. Some of my readers may wish to be informed of the etymology of a word so familiar to them. In the Anglo-Saxon language, *Seles* is used for 'a desert, wilderness, or waste place.' The Anglo-Saxon termination of *Burgh*, *Burb*, *Burrow*, *Bury*, *Biry*, &c. implies 'a castle, town, or habitation;' but in a secondary sense only; for, it is admitted, that the common original is *Beorg*, a rock: The reason of this is well explained by *Gibson*: 'Oppida solebant antiquitus in locis eminentioribus aedificari; unde est quod nostrae gentis historiae produnt, plurima per Angliam oppida insigniora, quae in vallibus hodie consistunt, primum super montes fuisse constructa; incolas autem, a quarum inopiâ, coactos in loca inferiora descendisse;' *Regulae generales de nominibus locorum*, subjoined to *Chr. Sax.* p. 4. Hence we may conclude, that *Salisbury* or *Selesbury*, is 'the habitation in the wilderness,' and *Selisbury crag*, 'the precipice near that habitation.' An apt description, when it is remembered, that the hills which now pass under the general, though corrupted name, of *Arthur's Seat*, were anciently covered with wood. The other eminences in the neighbourhood of Edinburgh had similar appellations. *Calton* or *Caldoun*, is admitted to be 'the hill covered with bushes.' *Moutrees* is supposed to be the corruption of two Gaelic words signifying 'the covert, or receptacle of the wild boar.' There is a small eminence in the neighbourhood of *Salisbury craigs*, called *St Leonard's hill*, from *Leonard*, a French Anchorite: A parcel of ground adjacent to it still retains the name of *Hermits and Termits*; this is a

1153.

He founded and richly endowed an abbey of the Cistercian order at Melros, [1136.] *Chr. Melros, 165.*

He founded an Abbey of Cistercians at Newbottle upon Southesk, in Lothian, [1140.] The priory of Lesmahagow, dependent on the abbey of Kelso*, [1144.] An abbey of canons regular at Cambuskenneth, near Stirling, [1147.] An abbey of Cistercians at Kinloss in Moray, and another of Praemonstrates at Dryburgh, near the junction of Tweed and Ledar†, [1150.] *Chr. Melros, 166. 167. Dalrymple, 255. 264. Monasticon, ii. 1054.*

He also founded an abbey of canons regular at Geddwor, now called Jedburgh. It is said, that he introduced the Knights Templars, and the Knights of St John of Jerusalem, into Scotland, giving to the former *Spotiswood, ii. 22. xiii. 1. xiv. 1.*

manifest corruption of *Eremitae sanctae Eremi*, or the monks of St Anthony of Egypt. The chappel of the same St Anthony, at the back of Salisbury craigs, is well known. From the grant by David I. to the canons of Holyrood, bearing ‘concedimus Herbergare quoddam burgum,’ Maitland, the historian of Edinburgh, draws this pleasant inference, that *the Canongate* was anciently called *Herbergare*. The true sense of the word is to be seen in a grant made by Malcolm IV. to the prior and monks of Coldingham: ‘Ut, secundum voluntatem suam, adducant suos proprios homines ubicunque mancant in terra sua, ad herbergandum villam de Coldingham;’ *Chart. Coldingham, p. 14. i. e. ‘to inhabit or people.’* It would be tedious to recite, and superfluous to confute the legendary history of the foundation of Holyroodhouse; see *Bellenden*, fol. 184. It has not even the merit of antiquity; for it appears to be a fiction more recent than the days of Boece.

* It was dedicated to a Saint Machut or M’Low, who is reported to have lived in the sixth century; *Camerarius de Scottorum pietate*, p. 198. He was the son of the Earl of Guincastel in Scotland; *Ribadeneira de vitis sanctorum*, 15th November. From a grant by Robert I. it appears, that the priory of Lesmahagow was understood to be in possession of the body of this Saint Machut; *Spotiswood*, c. vii. §. 2.

† It has been supposed that Dryburgh owes its origin to Hugh de Moreville, Constable of Scotland, and Beatrix de Beauchamp, his wife; *Spotiswood*, c. v. §. 4. David himself says, ‘Sciant tam posterum quam praesentes, me concessisse ecclesiae S. Mariae de Dryburgh quam fundavi;’ *Monasticon*, vol. ii. p. 1054. Perhaps he only laid the foundation-stone, as his father Malcolm III did at Durham.

1153.

former a residence at Temple upon Southesk in Lothian, to the latter, at Torphichen in the shire of Linlithgow.

Spotif. xviii. 3.
No. 1. 3. 4.

Besides all these, David founded a convent of Cistercian nuns at Berwick upon Tweed, with two cells depending on it, the one at Trefountain in Lammermuir, on the borders of Berwick-shire, the other at Golyn in the shire of Haddington.

Dalrym. 383.
Char. Morav.
1. fol. 29.

Converting the monastery of Dunfermline into an abbey, he annexed to it the priory of Urquhart in Moray*.

J. Major.
iii. 11.

The liberality of David to the ecclesiastical order, highly extolled by his contemporaries, has been severely censured in later times. James the first of that name, King of Scotland, said, 'That he was a fore faint to the crown †.' This has been transmitted to posterity as a shrewd and judicious apothegm.

We ought to judge of the conduct of men according to the notions of *their* age, not of *ours*. To endow monasteries may *now* be considered as a prodigal superstition; but, in the days of David I. it was esteemed an act of pious beneficence.

Much

* Mention is made by *Fordun*, L. v. c. 48. of some religious houses which David established in his English territories; but this is uncertain. *Fordun*, ib. ascribes to him the foundation of the monastery of Holmculterham in Cumberland, and of Dundrainan near Kircudbright; but Holmculterham was certainly founded by his son Prince Henry; *Monasticon*, vol. i. p. 886. vol. iii. p. 34. 38. and Dundrainan in 1142, by Fergus Lord of Galloway; *Chr. Melros*, p. 166. *Spotiswood*, c. ix. § 3.

† 'Jacobus primus, cum ad ejus sepulturam devenisset, dixisse fertur, *maneat illic Rex pientissime, sed reipublicae Scotiae et regibus inutilis*: Volens dicere, quod nimis de proventibus regiis diminuebat, pro opulentissimis coenobiis extruendis;' *J. Major*. de gestis Scotorum, L. iii. c. 11. I have expressed this sentiment in the words of *Bellenden*, fol. 185. 'He was an soir Sanct for the crown.' Bellenden probably related the words as handed down by tradition. Major has paraphrased them in scholastic Latin. Had James I. been possessed of the revenues which his predecessors bestowed on the clergy, he would have employed them in augmenting the influence of the crown; and, to speak in the dialect of Bellenden, 'have kythed an soir king for the Lordis.'

1153.

Much may be urged in justification of this beneficence. Although David was the founder of many monasteries, it was not he alone who endowed them. An ample accession to their revenues was obtained in succeeding ages by the donations of private men, as well as of Princes.

*M. Paris calls him 'vir magnæ
sanctitatis et mirificæ largitatis'
Hist. p. 48.*

In monasteries, the lamp of knowledge continued to burn, however dimly. In them, men of business were formed for the state*; the art of writing was cultivated by the Monks†; they were the only proficient in mechanics, gardening, and architecture.

When we examine the sites of antient monasteries, we are sometimes inclined to say with the vulgar, 'That the clergy, in former times, always chose the best of the land, and the most commodious habitations;' but we do not advert, that religious houses were frequently erected on waste grounds, afterwards improved by the art and industry of the clergy, who alone had art and industry.

That many monasteries did, in process of time, become the seats of sloth, ignorance, and debauchery, I deny not. Candor, however, forbids us to ascribe accidental and unforeseen evils to the virtuous founder. 'It was devotion,' says John Major, 'that produced opulence; but the lewd daughter strangled her parent‡.'

*J. Major.
iii. 11.*

By

* In *Chart. Kelfo*, fol. 71. there is a ratification by 'Matildis, quondam sponsa Ricardi de Lincolnia Domini de Molle, ita videlicet, quod dicti Abbas et conventus exhibebant Willielmo filio meo in victualibus, cum melioribus et dignioribus scolaribus qui reficiunt in domo pauperum,' [Ap. 1260]. This instrument shews, that young gentlemen were sometimes boarded and educated in monasteries.

† The charters granted during the reign of William, the grandson of David I. are written in characters remarkably elegant.

‡ 'Opes primitiva devotio peperit; sed matrem lasciva filia suffocavit;' *J. Major, de gestis Scotorum, L. iii. c. 11.*

1153.

By his wife, Matildis daughter of Waltheof Earl of Northumberland, David had an only son Henry, who died before his father *.

MALCOLM

* *Ordericus Vitalis*, L. viii. p. 702. says, that David had two daughters, Claricia and Hodierna. He adds, that David had a son older than Henry. Concerning him, Vitalis thus speaks: 'Porro primogenitam ejus sobolem masculini sexûs ferreis digitis crudeliter peremit quidam miserabilis clericus, qui, ob inauditum quod apud Northvigenas perpetraverat scelus, oculorum privatione et pedum manuumque praeefione, fuerat mutilatus. Illic enim quendam sacerdotem, dum missam celebraret, post perceptionem sacramentorum, dum populus recessisset, ingenti cultello fortiter in alvo percussit, et intestinis horribiliter effusis super aram mactavit. Hic postmodum a Davide Comite in Anglia pro amore Dei susceptus, et victu vestituque cum filia parvula sufficienter sustentatus, digitis ferreis, quibus utebatur, utpote mancus, biennem filium benefactoris sui quasi mulcere volens, immaniter pupugit, et sic, instigante Diabolo, inter manus nutricis viscera lactentis ex insperato effudit; prima itaque proles David sic enecata est. Igitur ad caudas quatuor indomitorum equorum innexus est, quibus in diversa validè trahentibus, ad terrorem sceleratorum discerptus est.' According to this strange ill-told story, a certain person, in holy orders, murdered a priest while officiating at the altar. In consequence of *ecclesiastical immunity*, the most amazing of all the delusions of superstition, his life was spared. His eyes, however, were put out, his hands and feet cut off. He procured crooked irons or hooks to supply the use of hands. Thus, destitute, maimed, and abhorred, he attracted the compassion of David, who then resided in England as a private man. From him this outcast of society obtained food and rayment. David had a son two years old; the ungrateful monster, under pretence of fondling the infant, crushed it to death in his iron fangs. For this crime, almost exceeding belief, he was torn to pieces by wild horses. I could not altogether overlook this story; yet, as it is related by Ordericus Vitalis alone, and as it disgraces humanity, I would hope that it is false.

I have not been able, after the most exact inquiry, to ascertain the age of David at his death in 1153. He must at least have attained his sixtieth year; for his father died in 1093. He may have been considerably older. For mention is made of his son Henry in 1113. See *Foundation charter of Selkirk* in *Dalrymple*, p. 404. compared with *S. Dunelm.* p. 236.

M A L C O L M IV.

1153.

MALCOLM IV. a youth in his twelfth year, succeeded his grandfather David. *Chr. Melros, 167.*

Scarcely were the last honours paid to David, when Scotland experienced the calamities of war.

We have seen, that, in the former reign, one Wimund, called by our historians *Malcolm M'Heth*, pretended to be the son of Angus Earl of Moray; that he married a daughter of Somerled Thane of Argyle, excited an insurrection in Scotland, and, after various adventures, was detained a captive in the castle of Rokesburgh. *Pag. 86.*

Immediately after the death of David I. Somerled, accompanied by the children of the Adventurer Wimund, invaded Scotland*. [5th Nov.] *Chr. S. Crucis, ap. Ang. Sac. i. 161. Fordun, viii. 2.*
To

* '1153, *Die S. Leonardi* [Nov. 5.] apud Scotiam Somerled et nepotes sui, filii scilicet Malcolmi, associatis sibi plurimis, insurrexerunt in Regem Malcolmum, et Scotiam, in magna parte perturbantes, inquietaverunt; *Chr. S. Crucis*, ap. Anglia Sacra, vol. i. p. 161. It is probable, that it was a naval expedition which Somerled undertook: 1. He was master of what, in those days, was esteemed a powerful fleet; Dr *John M'Pherson*, p. 266. 2. The precise day of the invasion is mentioned in the antient Chronicle of *Holyrood* [Nov. 5.] This is more applicable to a *descent*, than to a *land-invasion*. 3. The attempt which Somerled afterwards made against Scotland, was from the sea. Dr M'Pherson, relying on the traditions of highland Sennachies, expresses a partiality for Somerled. He imagines, 'That Somerled had received many insufferable provocations from the ministers of King Malcolm IV. a prince, weak, unexperienced, and entirely under the directions of his servants;' p. 268. If Somerled invaded Scotland in Nov. 1153, it is impossible that the insufferable provocations received from the ministers of Malcolm could have instigated him to that attempt. He must have projected his enterprize from the moment that he heard of the death of David, in the end of May 1153. With respect to the date of such an event as Somerled's invasion, we may rely on the accuracy of the chronicle of *Holyroodhouse*.

1153.

To revenge the supposed wrongs of his son-in-law, may have been the pretence; but ambition and contempt of the youth of the Scottish King, were the probable motives of this invasion.

The various events of this war are unknown *. We may presume, that the predatory incursions of Somerled distressed the kingdom, and spread consternation among its inhabitants, although they shook not the stability of government.

1154.

Chr. S. Crucis,
ap. Ang. Sa-
cra, i. 161.

The next remarkable incident which occurs in the course of this reign, is briefly recorded by a contemporary writer. 'One Arthur, who had plotted against the King, perished in single combat †.' This person, it is probable, having been accused of treason, appealed to his sword, and was foiled in *that divine appeal*.

Diceto, 529.

Stephen, King of England, died [25th October.] He was succeeded by Henry II.

1156.

Chr. S. Crucis,
ap. Ang. Sa-
cra, i. 161.

Donald, the son of Wimund, or Malcolm M'Heth, was discovered at Whithorn in Galloway, and conveyed to the dungeon in the castle of Rokesburgh, where his father had been long confined.

1157.

Chr. S. Crucis,
ib.
W. Newber. i.
1. 24.

Wimund was pardoned by the King of Scots ‡, and retired to the monastery of Biland in Yorkshire: But Somerled, disdaining submission,

* They were unknown to our earlier historians, as the chroniclers of Holyrood and Melros, and Fordun: Not so to *Boece*, whose fertile imagination eminently distinguishes itself throughout the reign of Malcolm IV. fol. 268. &c.

† 'Arthurus regem Malcolm proditurus duello periit;' *Chr. S. Crucis.* ap. Anglia Sacra, vol. i. p. 161.

‡ 'Malcolm M'Heth cum rege Scottorum pacificatus est;' *Chr. S. Crucis* ap. Anglia Sacra, vol. i. p. 161.

1157.

mission, continued to infest the coasts of Scotland *. It appears, however, that he agreed, at length, to terms of accommodation with Malcolm †. *Fordun, viii. 2.*

We have seen that, 'in 1149, Henry II. made oath, that, if ever he attained the English crown, he would restore Newcastle to David, and cede to him and his heirs for ever the whole territory between Tine and Tweed.' *Pag. 90.*

Instead of making this cession, Henry now claimed those parts of the northern counties which the Scots held. *Fordun, viii. 3.*

Malcolm had an interview with Henry at Chester. Malcolm did homage to Henry in the same form that his grandfather had done to Henry I. 'reserving all his dignities ‡.' *B. Hoveden, 491. Chron. Melr.*

An agreement was concluded between the two kings. Malcolm abandoned to the English whatever he possessed in the Northern counties §. *Fordun, viii. 3. Diceto, 531. M. Paris, 68.*

Henry

* 'Summerledo nequiter adhuc suam nequitiam in populo exercente;' *Fordun, viii. c. 2.*

† *Sir James Dalrymple, p. 425.* mentions a charter in the possession of the family of Innes, granted by Berowaldus Flandrensis, 'apud Pert, natali Domini Post concordiam regis et Summerledi.'

‡ 'Malcolmus rex Scottorum venit ad regem Angliae apud Cestre, et homo suus devenit, eo modo quo avus suus fuerat homo veteris regis Henrici, *Salvis omnibus dignitatibus suis;*' *R. Hoveden, p. 491.* Fordun says, that the interview of the two kings was at Doncaster.

§ 'Melcholmus rex Scottorum reddidit Henrico civitatem Carleul, castrum Baenburgh, novum castellum super Tinam, et comitatum Lodonensem;' *Diceto, p. 531.* Other historians concur with Diceto. It will be remarked, that Diceto, in describing the cession of Cumberland and Northumberland, says, that Carlisle, Bamborough, and Newcastle upon Tine were restored. He speaks of the *principal castles*, as implying the *country* in which they were situated. That Malcolm was actually in possession of the fortresses of Bamborough and Newcastle, may well be doubted. The words *comitatus Lodonensis*, have afforded, and probably will forever afford, a subject of controversy. The modern writers of our neighbouring country, understand them of *Lothian*,
in

1157.

Henry conferred on Malcolm the honour of Huntington *.

Fordun, viii. 3. Popular report ascribed this unequal agreement to the youth and inexperience of Malcolm, and to the treachery of his counsellors, whom Henry had corrupted. Certain it is, that the conditions of the treaty produced universal discontent in the Scottish nation †.

1158.

R. Hoveden,
491.

Malcolm, ambitious of receiving the honour of knighthood from Henry,

in the modern sense of the word: But our own writers seek for the *comitatus Lodenensis*, either in Cumberland or in the district of Leeds. 'Whether Malcolm IV. acknowledged himself the vassal of Henry II. for Lothian in Scotland,' is an historical problem considered at great length in *Remarks on the history of Scotland*, ch. 2. When I offered my sentiments on that perplexed subject, I little thought that the world was to be so soon deprived of Lord Lyttelton: I am sorry that I should have been the first to combat his opinions after his death, even in a matter of historical curiosity.

* Huntington is supposed to have belonged at this time to David the youngest son of Henry Prince of Scotland. *Fordun* says of it, 'qui facit fratri sui David more, [q. jure,] suo;' L. viii. c. 3.: This, however, is uncertain. His grandfather David I. may have wished, from reasons of policy, that Huntington should be enjoyed by a younger branch of the royal family; but I do not see, that the kings of England were bound to ratify such a change in the course of succession. *Lord Lyttelton* observes, that Stephen had conferred Huntington on the Earl of Northampton, upon the decease of the Prince of Scotland, and that the Earl died soon after; vol. ii. p. 243. What right Stephen had to make this grant, I inquire not. It happened, however, that Henry, on his accession to the throne, was accidentally in possession of Huntington, and he profited by that accident.

† 'Rex juvenis Malcolmus totius doli inscius, sed ad modum innocentis credit omni dicto. Suos quosdam consiliarios, Anglorum ut fertur, pecuniis illectos execranda conflexit cupiditas: Quorum mox ingenio Rex fallaci seductus, eodem anno Northumbriam regi Angliae, suis, exceptis paucis, inconsultis proceribus, reddidit et Cumbriam. Ob quam causam, totius Scotiae communitas contra dominum suum regem, et suos partiales corruptos consiliarios, in odium unanimiter, murmure tamen tacito, concitatur;' *Fordun*, L. viii. c. 3.

1158.

Henry, repaired to the English court at Carlisle. At this interview, some differences arose between the two kings *. Henry refused to bestow that distinction on the young Malcolm, which was highly valued in that age. Malcolm returned to Scotland in disgust.

1159.

An embassy was sent from Scotland to Pope Alexander III. Alexander, at enmity with the Emperor Frederic, and willing to conciliate the favour of every sovereign Prince, conferred the office of Papal legate on William Bishop of Moray, one of the ambassadors †.

Chr. S. Crucis,
ap. Ang. Sa-
cra, i. 161.
Chr. Melros,
168.

Malcolm, intent on his favourite object of knighthood, passed over into France, and fought under the banners of Henry. Henry invested him with the honours which his military service had merited in an enterprize undertaken against the judgement of his nobles ‡.

Chr. S. Crucis,
ap. Ang. Sa-
cra, i. 161.
R. Hoveden,
492. *Gervas,*
1381.

1160.

The attachment of Malcolm to the King of England, excited the jealousy of the Scots. They imagined, that the national independen-
cy

Fordun, viii. 4.

* About this time, Henry II. gave orders for repairing the fortifications of Werk on the borders of Scotland. It may be conjectured, that, by the treaty of Chester, no new fortifications were to be erected in Northumberland. The repairing of the ruined castle of Werk might be considered as contrary to the spirit of that treaty: This may have occasioned an angry remonstrance on the part of the Scots, a haughty answer from the English, and a diffension between the two Kings.

† ‘Willielmus Episcopus Moraviensis, missus Romae a Rege Malcolmo, a praefato Papa Alexandro, cum summo honore susceptus, ad Scotiam cum gratia et electione sedis apostolicae reversus est;’ *Chr. S. Crucis*, ap. Anglia Sacra, vol. i. p. 161. ‘Legatus regni Scottorum factus;’ *Chr. Melros*, p. 168. The other ambassador was ‘Nicolaus Regis Scottorum Camerarius.’

‡ ‘Magnatum suorum invitis pluribus;’ *Fordun*, l. viii. c. 3. According to *Abercrombie*, vol. i. p. 250. ‘the nation disapproved of his joining with a certain enemy against an old and trusty friend.’ Abercrombie believed in the ancient league between France and Scotland; that fiction has taken root in the minds of Scotsmen, and will never be eradicated. *Refer et sine, &c. Hor.*

1160.

cy was in hazard from the influence of English councils. They sent a solemn deputation into France, and in bold language reproached Malcolm. 'We will not,' said they, 'have Henry to rule over us.' Malcolm, hasting home, assembled his parliament at Perth. Ferquhard Earl of Strathern, and five other Earls, conspired to seize the person of their sovereign *. They assaulted the tower in which he had sought refuge; but were repulsed. The clergy judiciously interposed, and wrought a speedy reconciliation between the King and his people.

Chr. S. Crucis,
ap. Ang. Sa-
era, i. 161.

About this time there happened a formidable insurrection in Galloway.

Galloway anciently comprehended not only the country now known by that name, and the stewartry of Kirkcudbright, but also the greatest part, if not the whole, of Air-shire †. It had its own princes and its own laws: It acknowledged, however, a feudatory dependence on Scotland. This dependence served only to supply the sovereign with rude undisciplined soldiers, who added rather to the terror than to the strength of his armies.

Chr. S. Crucis,
ap. Ang. Sa-
era, i. 161.
Fordun, viii. 4.

The insurrection in Galloway, at this critical season, enabled Malcolm to occupy his factious nobles, and to conciliate the affections of his people by the display of personal valour. Twice he invaded Galloway;

* The Continuator of Fordun boldly justifies this conspiracy: 'The intentions of those noblemen,' says he, 'were not traiterous or selfish, but singly directed to the welfare of the state.' 'Non utique pro singulari commodo seu proditiosa conspiratione, immo reipublicae tuitione, commoti;' *Fordun*, l. viii. c. 4. Concerning the public spirit of a disappointed faction, we cannot pronounce with certainty. To invade the sovereign, in the midst of his parliament, had, at least, a traiterous appearance.

† Even at so late a period as the reign of Robert Bruce, the castle of Irvine was accounted to be in Galloway. There is reason to suppose, that a people of Saxon origin encroached by degrees on the ancient Galloway. The names of places in *Cunningham* are generally Saxon: The name of the country itself is Saxon. In *Kyle* there is some mixture of Saxon. All the names in *Garrick* are purely Gaelic.

1160.

loway; he was twice repulsed. The intrepid young Prince made a third effort, overcame his enemies in battle, and forced them to implore peace. Fergus, the Lord of that country, submitted to give his son Uchtred as an hostage to Malcolm; and, renouncing the world, assumed the habit of a canon-regular in the abbey of Holyrood *.

1161.

Malcolm, with the advice of his parliament, gave his two sisters in marriage, Margaret to Conan Count of Britany, Ada to Florence Count of Holland. The parliament granted a subsidy for providing portions to them †.

Chr. S. Crucis,
ap. *Ang. Sacra,* i. 162.
Fordun, viii. 4.

The inhabitants of Moray had often rebelled against the Scottish government. 'No solicitations or largesses could allure them, no treaties or oaths could bind them, to their duty ‡.' With bold and desperate policy, Malcolm dispossessed them all, scattered them over Scotland, and planted new colonies in their room §.

Fordun, viii. 6.

Malcolm

* 'Rex Malcolmus duxit exercitum in Galwaiam ter, et ibidem, inimicis suis devictis, foederatus est in pace, et sine damno suo remeavit. Fergus Princeps Galwaiae habitum canonici in ecclesia S. Crucis de Ednesburgh suscepit, et eis villam quae dicitur Dunroden dedit;' *Chr. S. Crucis,* ap. *Anglia Sacra,* vol. i. p. 161.

† 'Subsidio fuorum et consilio;' *Fordun,* l. viii. c. 4. Perhaps this implies, that his vassals granted him an aid for portioning his sisters. The difference, however, between the two versions is inconsiderable; the *Chronicle of Melros*, p. 168. says, that Margaret was married in 1160, Ada in 1162.

‡ 'Nullâ prece aut pretio, foedere, vel juramento desistere volens;' *Fordun,* l. viii. c. 6.

§ *Boece*, imagining that Malcolm IV. had massacred the ancient inhabitants of Moray, attempts to vindicate this deed by *reasons of state*; *Hist. Scot.* l. xiii. fol. 269. If the modern inhabitants of Moray differ in genius, manners, and traditionary customs, from their neighbours on every quarter, it will afford internal evidence of the depopulation and new peopling of that country.

1163.

Diceto, 536.*M. Paris 70.*

Malcolm did homage to the King of England and his infant son *,
[at Woodstoke, 1st July.]

Excerpta è
Chr. Scot. fol.
85. MS.

Roger Archbishop of York having procured legatine powers over Scotland from Pope Alexander III. ordered the Scottish clergy to attend him at Norham, under pain of suspension. They sent three deputies to meet the Archbishop, and to remonstrate against the powers which he assumed. The deputies, after some altercation with the pretended legate, appealed to Rome †.

1164.

Chr. Melros,
169. *excerpta*
è Chr. Scot.
MS. fol. 82.

Somerled invaded Scotland with a mighty force, and landed at Renfrew on the river Clyde. The inhabitants of the country repulsed his army with great slaughter. Somerled and his son Gillecolane were slain ‡.

Bowmaker,

* In this year, the *Chronicle of Melros*, p. 169. relates, that Malcolm fell dangerously ill at Doncaster, and that a perfect agreement was established between him and Henry II. These circumstances tend to confirm the narrative of *Diceto*, whose words are, p. 536. ‘Malcolmus, Rex Scottorum, Refus Australium Princeps Wallensium, ‘Audoenus Aquilonarium, et quique majores de Cumbria, fecerunt homagium Regi ‘Anglorum et Henrico filio suo, kalend. Julii apud Wodstoke.’

† ‘Rogerus Eboracensis Archiepiscopus, Papae Alexandro III. falso suggerens, legationis privilegium super ecclesiam Scoticanam impetravit, cum quo pomposè venit ad ‘castrum de Norham, mandans clero Scotiae illum cum honore ut legatum suscipere, ‘aut sibi cognoscerent divinum officium sequestrandum. Clerus Scotiae elegit, ad respondendum, Engelramum Archidiaconum, Regis Malcolmi olim cancellarium, postea ‘in Glasguensem episcopum electum, Salamonem decanum Glasguens. et Walterum ‘priorem de Calco [Kelso], per quos cum Archiepiscopo est aliquando disputatum, donec ‘nec a Scotis ad Papam est appellatum, coram quo astantibus pomposis procuratoribus ‘Archiepiscopi, dictus Engelramus, per praefatum Papam Alexandrum tertium in Glasguensem Episcopum est consecratus, ad maximam Anglorum confusionem et Scottorum laudem;’ *Excerpta è Chronicis Scotiae*, fol. 85. MS. Advocates Library, Edinburgh.

‡ ‘Contra Regem Scotiae Malcolmum dominum suum naturalem, cum copiosum, de ‘Hibernia et diversis locis, exercitum contrahens, apud Renfrew applicuisset, tandem, ‘ultione

1164.

Bowmaker, the continuator of Fordun, relates, that Malcolm ha- *Ford. viii. 6.*
ving made a vow of perpetual virginity, and being intent on divine
things, neglected the administration of his kingdom; that, from these
causes, he became odious to the people, who constrained his brother
William to accept the office of Regent*.

The same author adds, 'That William, from the time of his being
'deprived of the earldom of Northumberland, entertained an impla-
'cable resentment against the English.'

If such a revolution ever happened, we may ascribe it to the unpo-
pular surrender of the northern counties, and to the national jealousy
which that surrender excited. That William was *constrained* to assume
the reins of government, is a decent, although improbable, circum-
stance.

1165.

Malcolm IV. died [⁹28th December 1165.] at Jedburgh.

Chr. Melros,

The character of Malcolm IV. is delineated by all our historians
without any one feature of resemblance.

169.

An early notion prevailed, that this young Prince had devoted him-
self

W. Newbr. i.

83.

'ultione divinâ, cum filio suo et innumerabili populo, a paucis comprovincialibus, ibi-
'dem occisus est;' *Chr. Melros, p. 169.*

* 'Uni viro virginem se castum exhibere Christo professus est se promissum; qui,
'licet saepe regiae dignitatis auctoritate, ut quidam assolent, transgredi potuit, *nunquam*
'tamen transgressus est. Propter quae, multas a suis pertulit regnicolis exprobrationes
'et opprobria.—Equidem in coelestibus suum animum, divini amoris fervore concep-
'to, tam indefinenter suspensum locaverat, quod terrena quaeque despiciens, curam
'pene regni sui simul et regimen praetermisit. Quamobrem, ab omni plebe in tantum
'habitus est in odio, quod Willelmus, frater ejus junior, qui semper, ex quo suum ab-
'stulerant patrimonium, comitatum, scil. Northumbrorum, Anglis satis infestus, et im-
'placabilis affectus est inimicus, *totius regni custos ab eis, invito Rege, et ipso etiam*
'Willelmo reclamante, constitutus est;' *Fordun, l. viii. c. 6.*

1165.

self to pure coelibacy*; an artificial virtue, which, for many ages, was extolled beyond every real one.

Agreeable to this notion, historians have delineated the character of Malcolm. They represent him chaste, even to monastic perfection, mild and inoffensive, careless of all temporal concerns, and too much involved in divine contemplation to discharge the duties of a king.

They relate all this, and at the same time relate the events of his reign, which authorize us to pronounce, that Malcolm was headstrong and active, immoderately ambitious of military fame, intrepid and persevering in war, and one who could plan and execute the measures of bold and hazardous policy: Thus, his *character* exhibits the virtues of a nun; his *life*, the qualities of a heroic young Prince.

Char. Kelso,
fol. 16.

It is now known, that the pure coelibacy of Malcolm IV. must be placed among the fables of history. From a grant which he made to the abbey of Kelso, it appears, that he had a natural son*.

Ford. vi. 32.

At the request of Waltheof, abbot of Melros, Malcolm founded an
abbey

* *W. Newbr. vol. i. l. i. c. 25.* seems to have been the first historian who reported the tale of the virginity of Malcolm IV. He is so extravagant as to assert, that Ada, the mother of Malcolm, attempted to corrupt her son by procuring for him the company of women. The story is told with many improbable and ridiculous circumstances.

† *‘Praecipio etiam, ut praedicta ecclesia de Innerlethan, in qua primâ nocte corpus filii mei post obitum suum quievit, ut tantum refugium habeat in omni territorio suo, quantum habet Wedale aut Tynningham;’ Chart. Kelso, fol. 16. b.* It is not improbable that the appellation of *maiden*, vulgarly bestowed on Malcolm IV. may have given rise to all the fables concerning him, and that that appellation may have been given to him by reason of his effeminate countenance; *παις παρθενικόν βλέπων*, is an expression as old as the days of Anacreon. I am assured, that, in the Gaelic language, a fair young man is still termed *a maiden*.

1165.

abbey for monks of the Cistercian order, at Couper in Angus.

[1164]*.

He also founded a priory at Manuel near Linlithgow, for nuns of the Cistercian order [1156.]

Spotiswood,
xviii. 3. n. 8.

W I L L I A M.

WILLIAM, the brother of Malcolm, was crowned, [24th December 1165.] *Chr. Mel. 170.*

1166.

William repaired to the court of Henry II. and solicited the restitution of Northumberland. Contrary to the opinion of all his counsellors, he passed over into France, and served under the banners of Henry †. His counsellors judged well: From this impolitic thirst of military glory, the Chronicle of Melros concludes, that he went to France 'to do the business of his Lord ‡.' Henry rewarded him with fair promises, and agreed to prolong the truce with Scotland. *Chr. Melros, 170. Fordun, viii. 12. 13. Chr. Mel. 170.*

1168.

The King of Scots, dissatisfied with Henry, sent ambassadors to France, *Lyttelton, iv. 218. &c.*

* Of them it is that *Boece* speaks, l. xiii. f. 270. b. 'Viri religiosi ordinis Cisterciensis, multâ pietate celebres, nec in hanc usque diem ullo notati manifesto flagitio.' This eulogy shews how corrupted the Scottish monasteries had become in the days of Boece.

† If William distinguished himself in action, as our historians relate, it must have been at the storming of the castle of Fougères in Britany; *Lyttelton, vol. iv. p. 109.*

‡ 'Quem, ob negotia Domini sui, Rex Scotiae Willelmus sequutus est;' *Chr. Melros, p. 170.*

1168.

France, and sought to negotiate an alliance with that kingdom against England. This is the first authentic evidence of the intercourse between France and Scotland, so honourable to us, and so fatal.

1170.

Henry celebrated Easter at Windsor, attended by William and his brother David. David received the order of knighthood from Henry.

*Benedictus
Abbas, 4. 5.*

On the 15th June, Henry celebrated the injudicious coronation of his high-spirited son. Next day, he made William and David do homage to the young King*.

William

* 'Fecit Willelmum Regem Scotiae et David fratrem suum devenire homines novi Regis filii sui, et fecit eos super sanctorum reliquiis jurare illi ligeantias et fidelitates contra omnes homines, salvâ fidelitate suâ;' *Benedictus Abbas*, p. 4. 5. Lord Lyttelton says, 'The homage done to him by William *must have been for Lothian*, that Prince having *surrendered* the earldom of Huntingdon to David his brother, who, in like manner, did homage on account of that fief;' vol. iv. p. 297. That excellent person did not recollect, that it was necessary for William to be once vested in the earldom of Huntingdon before he could surrender it, and that, when he surrendered it, it must have been to his lord, not to David, the new vassal. After the fief had been once delivered back to the lord, the lord might confer it on another, and receive his homage. It is unfeudal to speak of the *old* vassal surrendering the fief to the *new*. None of the English historians hint at any homage done, before this time, by William. Hence my conjecture of the nature of the ceremony is confirmed. It seems to have been this. William received the fief of Huntingdon from Henry II. and did homage to the younger Henry, with his father's approbation. He afterwards surrendered, or resigned it, to make way for David. David, in like manner, received it from Henry, and did homage. Without all this circuit of feudal ceremonies, the earldom of Huntingdon could not have been conveyed to David, as the immediate vassal of Henry, unless William had disclaimed his inheritable right in it. This may shew that there is no necessity for the hasty systematical conclusion, 'That William *must have done homage for Lothian*.'

But, independent of this, Lord Lyttelton himself asserts, vol. vi. p. 218. 'That, in 1185, Henry restored to William the earldom [of Huntingdon], which *that King and his*

1172.

William still solicited the restitution of Northumberland, and, having failed in obtaining what he had no reason to expect from Henry, left England in disgust. *Ford. viii. 14.*

1173.

An opportunity soon presented itself, by which William hoped to take vengeance on Henry for this supposed injury. He joined in a confederacy with the young King, who had taken up arms against his father. *Lyttelton, vi. 147. M. Paris, 89.*

That ambitious and ill-advised youth granted to William the earldom of Northumberland, as far as the Tyne; and to David, William's brother, the earldom of Cambridge. *Benedictus Abbas, 51.*

William invaded England, and besieged Werk and Carlisle, but failed in both attempts. His expedition terminated in the fruitless devastation of that country, of which he had obtained an ineffectual grant. In his turn, Richard de Lucy, justiciary of England, crossed the Tweed, and wasted the low country of Scotland. Perceiving, however, that Henry's enemies, in the south, increased, he negotiated a truce with William. William, strangely ignorant of the successes of his confederates, agreed to the truce. A renewal of it, until the conclusion of lent 1174, was procured, upon payment of 300 merks. This cessation of arms enabled Lucy to make a large detachment to the south. In Suffolk, *Chr. Melros. 172. W. Newbr. 206.*

his brother David, infeoffed in it by him, had formerly enjoyed many years, till, on account of the unjustifiable part they had taken in the young King Henry's rebellion, it was given to Simon the late Earl of Northampton, in the year 1174. William now renewed the grant he had made before to his brother, who held it of him. This I understand to be a direct assertion, that William was the immediate vassal of Henry, for the earldom of Huntington, until it was resumed in 1174. Hence I conclude, upon Lord Lyttelton's own principles, that, in 1170, William must have done homage to Henry for the earldom of Huntington.

P

1173.

folk, they encountered the Earl of Leicester chief of the malcontents, and made him prisoner.

1174.

W. Newbr.
208.

The vassals of the Earl of Leicester, deprived of their leader, invited David Earl of Huntington to assume the command, and put him in possession of the castle of Leicester. 'So eager were they for action,' says an English historian, 'that scarcely would they refrain from hostilities, during the holy season of lent.' After fasting, prayer, and confession, they resumed their arms with fresh ardour, in aid of a subject against his unoffending sovereign, and of a son against his too indulgent father.

Chr. Melros.

173.

W. Newbr.

212.—215.

Benedict. Abb.

73. et seq.

On his side, William again invaded Northumberland. Himself, at the head of a select body, watched the motions of the garrison of Alnwick, while the rest of his numerous army, spreading themselves over the country, wasted, pillaged, and slaughtered with every excess of barbarous license.

At this, the Yorkshire barons felt a generous indignation, and flew to the aid of their neighbours.

On their arrival at Newcastle, their number amounted to no more than four hundred horsemen, incumbered in heavy armour, and fatigued by a long and laborious journey; yet they pressed on, and made a forced march of twenty four computed miles during the night. Ranulph de Glanville, afterwards justiciary of England, Robert de Stutleville, Bernard de Balliol, and William de Vesci, were the leaders of this gallant band. During their course, a thick mist arose and bewildered them. The more cautious of the company advised a retreat; but Bernard de Balliol exclaimed, '*Ye* may retreat, yet *I* will go forward *alone*, and preserve my honour.' Animated by this reproach, they all advanced, when the returning light disclosed the battlements of Alnwick castle. William was then in the fields with a slender train of sixty horsemen. At first, he mistook the English for a party of his

OWN

1174.

own stragglers returning loaded with the spoils of a defenceless country; perceiving his error, he cried out, 'Now it will be seen *who* are 'true knights,' and instantly charged the enemy. He was overpowered, unhorsed, and made prisoner. His companions voluntarily shared the fate of their sovereign. Several of his Barons, who had not been present at the action, from the like affectionate duty, surrendered themselves. The English, with wonderful celerity, conducted their royal prize to Newcastle that very evening, [13th July]. To ride near seventy miles after the fatigue of a long march, to charge the enemy, and to make a King a prisoner, in the midst of a numerous army, were the feats of this day, and will perpetuate the glory of the Barons of Yorkshire.

William was at first confined in the castle of Richmond; but Henry, sensible of the value of this unexpected acquisition, secured him beyond seas at Falaise in Normandy *.

Mean-

* *Hoveden* says, that, when Henry came to Northampton, 'adductus est ei Willelmus Rex Scotorum *sub ventre equi compeditus*;' p. 539. 'A captive King with his feet tied like a felon's under the belly of his horse,' seems a strange spectacle. *Lord Lytton*, therefore, supposes 'That the English considered William as a robber and murderer apprehended by justice,' vol. v. p. 98. This indeed is a just representation of many a captive hero. But the simple reason for thus binding William was, that his keepers had no better means of securing their active and indignant prisoner. They rather chose to be guilty of rudeness to a King, than, by more respectful treatment, afford him an opportunity of escaping. I have been favoured, by a noble and learned person, with the following observations, which I use the liberty of transcribing: '1. No circumstance could justify such an act of wanton and indecent cruelty, had it been even in the heat of a doubtful battle. But, 2. This happened 18 days after William was taken at Alnwick. He was made prisoner on the 13th July, and brought to Northampton on the 31. 3. This piece of inhumanity goes far to unfold the personal character of Henry II. It must have been a deliberate act of ostentatious cruelty; for it appears that he had summoned all his great men to Northampton for the purpose
' of

1174.

Meanwhile, the Scottish army, agitated with terror, and blind resentment, for the loss of their sovereign, assaulted their companions of English extraction, and put many of them to the sword. They abandoned their dishonourable spoils, and tumultuously dispersed themselves.

With equal precipitancy, the Earl of Huntington left Leicester, and retreated into Scotland.

W. Newbr.
218.

An English historian reports, that *at the same hour* at which Henry did penance before the tomb of Becket, William was made prisoner. A singular co-incidence of events, if true! It happens unluckily[†] that Henry was scourged at Canterbury on a *Thursday*, and William made prisoner on a *Saturday* *.

W. Newbr.
215. R.
Hoved. 539.

The

‘ of witnessing the humiliating spectacle of a sovereign Prince exposed in public to
‘ a new invented indignity. Vid. *Carte*, p. 668. and 670 4. What puts it past a doubt,
‘ that William was not thus degraded, purely for security, is, that, besides the distance
‘ of time, Northampton is above 200 miles from the scene of action; and so compleatly
‘ were Henry’s enemies subdued, at that time, that we find Henry landed, with his pri-
‘ soner, in Normandy, eight days after. Nor is it possible to imagine, that any step
‘ could be taken, in a point of so much consequence as the treatment of William, with-
‘ out the particular direction of Henry, who appears to have come to Northampton, on
‘ purpose to triumph over him. It must have been the captors of William, viz. Glan-
‘ ville, &c. who carried him to Richmond castle in Yorkshire, where he must have re-
‘ mained till Henry ordered him to be brought to Northampton for a public spec-
‘ tacle.’

[†] M. Paris enables us to remove the apparent contradiction. He says that Henry did penance upon Thursday and the two following days, and that upon the Saturday William was taken prisoner. p. 90.

* Another historian says, ‘ In the captivity of William, that prophecy was fulfilled, there shall be given unto his jaws a bridle, forged in the bay of Bretagne.’ ‘ Ut adimpleretur illud propheticum, dabitur maxillis ejus froenum quod in Armorico sinu fabricabitur, sinum vocans Armoricum, castellum de Richemont ab Armoricis principibus, et nunc et ab antiquis temporibus, haereditario jure possessum;’ *R. de Diceto*, p. 577. By the bay of Bretagne, according to this officious interpreter, ‘ the prophet meant the castle of Richmond, built by a Prince of Bretagne, and held in property by his descendants.’ This prophet was no less a person than the renowned Merlin, whose supposed

1174.

The Scots, impatient at the absence of their King, purchased his liberty by surrendering the independency of the nation. With the consent of the Scottish Barons and clergy [given at Valogne in the Cotentin, 8th December 1174, and immediately renewed at Falaise], *William became the liegeman of Henry, for Scotland and all his other territories* *.

*Foedera, l. 39.
R. de Diceto.
584*

M. Paris p. 91

‘The King of Scotland, David his brother, his Barons, and other liegemen, agreed, that the Scottish church should yield to the English church such subjection, in time to come, as *it ought of right, and was wont to pay* in the days of the Kings of England, predecessors of Henry. Moreover, Richard Bishop of St Andrew’s, Richard Bishop of Dunkeld, Geoffry Abbot of Dunfermline, and Herbert Prior of Coldingham, agreed that the English church should have that right over the Scottish *which in justice it ought to have*. They also became bound, that they themselves would not gainsay the *right* of the English church †.’

A.

supposed oracles received implicit credit in an unlettered and credulous age. The prophecy would have applied with equal propriety to the defeat of M. de Conflans in Quiberon Bay. *The same prophecy is noticed and explained in the same manner by M. Paris, p. 90; see also p. 105.*

* ‘Devenit homo ligius Domini Regis contra omnem hominem, de Scotia et de omnibus terris suis;’ *Foedera, T. i. p. 39.*

† ‘Concessit autem Rex Scotiae, et David frater suus, et barones, et alii homines fui Domino Regi, quod ecclesia Scoticana talem subjectionem a modo faciet ecclesiae Anglicanae, *qualem illi facere debet et solebat*, tempore regum Angliae praedecessorum suorum; Similiter Richardus episcopus Sancti Andreae, et Richardus episcopus de Dunkeldyn, et Galfridus abbas de Dunfermlyn, et Herbertus prior de Coldingham, concesserunt, quod etiam ecclesia Anglicana *illud jus* habeat in ecclesia Scotiae *quod de jure habere debet*, et quod ipsi non erunt contra *jus* ecclesiae Anglicanae;’ *Foedera, T. i. p. 39.* Archbishop *Spotiswood*, p. 37. says ‘that these are mere forgeries, it being certain, that the Scots, howsoever they loved their King, and for his liberty would not refuse to undergo very hard conditions, yet would never have renounced their liberties.’

1174.

A memorable clause ! drawn up with so much skill as to leave entire the question of the independence of the Scottish church. Henry and his ministers could never have overlooked such studied ambiguity of expression. The clause, therefore, does honour to the Scottish clergy who, in that evil day, stood firm to their privileges, and left the question of the independence of the national church to be agitated on a more fit occasion, and in better times.

In pledge for the performance of this miserable treaty, William agreed to deliver up to the English, the castles of Rokesburgh, Berwick, Jedburgh, Edinburgh, and Stirling, and gave his brother David and many of his chief Barons as hostages *.

William,

‘ liberties, maintained so long, and with so much blood, and yielded themselves in any case to such a slavish subjection.’ All this is very plausible ; but historical facts are not to be tried by *the reason of things*.

* We have been told by most respectable authority, ‘ That Henry II. might have conquered Scotland at that time, or have put his vassal William to death for high treason, or, by demanding an exorbitant ransom, have detained him in perpetual du-
‘ rance.’ Hence it seems to be inferred, that Henry was gracious to Scotland, in consenting to conditions so moderate ; *Vae Victis !*

1. If Henry could have conquered Scotland, there would have been no treaty in Normandy.

2. Had he put William to death for high treason, he would have established a dangerous precedent in his own quarrels with France, and he would have acted with profound ignorance of the manners of his age.

3. Henry, it is true, might have detained William in perpetual captivity, by demanding an exorbitant ransom ; but then, David Earl of Huntingdon, the heir presumptive, would have been regent, and Scotland would have remained free. By the moderate conditions which Henry accepted, the independence of a nation was paid for the liberty of one man. A sad exchange ! I equally censure the extortioner who demanded, and the impatient dupes who paid this price. There is a passage in *Scalae Chronica*, preserved by Leland, *Collectanea*, T. i. p. 533. which deserves to be remembered, though its truth may be questioned : ‘ The nobilles of Scotland cam no nearer than
‘ Pemples

1175.

William, with his clergy and barons, did homage to Henry at York, according to the tenor of the late treaty.

*Benedictus
Abbas, 113.
Chr. Melros,
173.*

1176.

Cardinal Huguccio Petrileonis, the Pope's legate, held a council at Northampton. Henry II. and William King of Scotland were present. William brought with him the Bishops of St Andrew's, Glasgow, Dunkeld, Galloway, Moray, and Caithness.

*Zabarella
Aul. Heroum,
233. R.
Hoved. 550.*

Henry required the Scottish Bishops 'to yield that obedience to the English church which they ought to yield, and were wont to yield in the days of his predecessors.' He alluded to the Norman treaty, at which the Bishops of St Andrew's and Dunkeld had assisted.

The Scottish bishops boldly avowed their sense of the treaty. Although on English ground, and in the power of Henry, they made answer, 'That they had never yielded subjection to the English church, nor ought they.'

Roger Archbishop of York affirmed the contrary, and contended, that the Bishops of Glasgow and Galloway had been subject, in times past, to the see of York. Jocelin Bishop of Glasgow replied, that, by special grace of the see of Rome, Glasgow was the daughter of the church of Rome, exempted from the jurisdiction of all other Bishops and Archbishops. He probably drew this inference from a bull of Pope Alexander III. in 1164. He added, that, although it were granted, that the Archbishop of York had formerly exercised such jurisdiction, he could not now. It may be presumed, that the Bishop of

*Keith's Catal.
of Bps. 139.*

'Pembles [r. Peebles] yn Scotland to mete with theyr King. Wherefore he toke with hym many of the younger sunnes of the nobyl men of England that bare hym good wyll, and gave them landes in Scotland of them that were rebelles to hym. These were the names of the gentilmen that he toke with him; Bailliol, Breuse, Souilly, Moubray, Sainctelere, Hay, Giffard, Ramesey, Laundel, Bysey, Berkeley, Walenge, Boys, Montgomery, Vaulx, Coleville, Frefir, Grame, Gurlay, and dyverse other.'

This passage is found fol. 159. b. of the original ms. in the Corpus Library. Seland's list is accurate as to the numbers, but not the orthography of the names, as they are curious. I subjoin the list. Si estoient ceaux lez Baillioles, de Bruys, de Souilly, et de Moubray, et les Saynclers, lez Hayes, lez Giffardis, lez Rameseys, lez Laundels, lez Bisesys, lez Berkleys, lez Walenges, lez Boyes, lez Mountgomeris, lez Frefirs, lez Colevilles, lez Foyers, lez Grames, lez Gurlays, et plusieurs autres.

1176.

of Galloway made no defence; for, in the year 1177, he was suspended from his office by Cardinal Vivian Tomasi, the papal legate, because he denied his subjection to the Scottish church.

Ford. viii. 25.

Richard Archbishop of Canterbury injudiciously interposed in the debate: He contradicted the Archbishop of York, with whom he was, on other accounts, at variance; and averred, that the Scottish church was subject to the see of Canterbury; and thus revived the controversy which had been agitated in the reign of Alexander I.

‘ This dispute having arisen between the two metropolitans, Henry ‘ permitted the Scottish Bishops to depart without requiring their sub- ‘ mission to the English Church.’ So says Hoveden, who probably assisted at the council of Northampton. *This* indeed may have been Henry’s pretext; but, it is plain, that the claim could not be maintained on the ground which the two Archbishops had chosen. The Archbishop of Canterbury claimed without evidence: The Archbishop of York claimed upon the evidence arising from the supposed practice of *two* sees. One of his instances was controverted, and was indeed controvertible: At any rate, the see of Glasgow, by acknowledging the jurisdiction of the Archbishop of York, could not extend it over the whole Scottish church. The other instance was nugatory; because the Bishop of Galloway did not acknowledge himself to be a son of the Scottish church at all *.

1178.

Ford. viii. 25.

Ada, widow of Earl Henry, and mother of the King of Scotland, died. She founded a nunnery at Hadington.

In

* The proceedings at Northampton clearly discover the forgery of the letter, said to have been written to Pope Alexander, by William, and transmitted by the Pope to the Archbishop and chapter of York, in which William is made to acknowledge, that the jurisdiction of the Archbishop of York did extend over Scotland, and to aver, that he himself had sworn to support it; *Nicolson*, Scots Historical Library, app. p. 138. At the same place, will be found a testimony in favour of Canterbury against York, fabri-
cated

1178.

In this year, according to the general opinion, William founded and amply endowed an abbay at Aberbrothock, in honour of the holy martyr Thomas à Becket. William was personally acquainted with Becket, when there was little probability of his ever becoming a confessor, martyr, and saint. It is difficult to determine what were the motives of William for this liberal endowment. Perhaps, it was meant as a public declaration, that he did not ascribe his disaster at Alnwick to the ill-will of his old friend. He may, perhaps, have been hurried, by the torrent of popular prejudices, into the belief that his disaster proceeded from the partiality of Becket towards the penitent Henry; and he might imagine, that, if equal honours were done in Scotland to the new saint as in England, he might, on future occasions, observe a neutrality. *Ford. viii. 25.*

1179.

William, and his brother David, went, with an army, into Ross, to compose some disorders in that distant quarter. They built two castles *Chr. Melros. 174.*
there *.

1181.

Armed with papal authority, Roger Archbishop of York, excommunicated William, and laid the whole kingdom under an interdict. This singular event was occasioned by a contest, which arose concerning the election of the Bishop of St Andrew's. John, surnamed *the Scot*, a native of Cheshire, but probably of Scottish parentage, was a person eminently learned, according to the measure of that age; his mother was the sister of Matthew Kynynmount Bishop of Aberdeen. Thus connected with the Scottish church, he obtained the patronage of Richard Bishop of St Andrew's, was made one of the Archdeacons of that see, *Ben. Abb. 370.*
R. Hoved. 615.
and, *Fordun, vi. 35.*
R. Hov. 599.

coined in the southern mint. The forgers of England, and the forgers of all England were equally industrious.

corrupted

* Dunscath and Etherdover. These names are probably, in *Chr. Melros*, p. 174. I know not how to correct the error; neither is it of any consequence.

Q

1181.

and, on the demise of Richard, was elected Bishop of St Andrew's, by
Fordun, vi. 35. the Chapter [1178].

Fordun, vi. 35. William had destined this bishoprick for one Hugh his chaplain. When he heard of the election made by the Chapter, he passionately exclaimed, 'By the arm of Saint James, while I live, John Scot shall never be Bishop of St Andrew's.' He seized the revenues of the see, and ordered his Bishops to consecrate Hugh. John appealed to Rome. The King, disregarding the appeal, procured the consecration of Hugh,
R. Hov. 598. and put him in possession. John solicited his appeal in person, and was favourably received by Alexander III. The Pope annulled the election of Hugh, and appointed his legate Alexius to hear and determine as to the election of John. The Legate called an assembly of the Scottish clergy, pronounced judgement for John, and consecrated
Chr. Mel. 174. him [1180.] The King beheld all this in fullen silence. But, as soon as John was consecrated, he banished him from Scotland. His uncle, the Bishop of Aberdeen, and, if we may believe history, every one connected with John, either by blood or friendship, shared his fate. Meanwhile, Hugh enjoyed the revenues of the see, and, under the shelter of his sovereign, asserted that his election was canonical.

R. Hov. 599. Alexius, perceiving that no obedience was given to his sentence, be-
 thought himself of an ingenious expedient. He laid the diocese of St Andrew's under an interdict; and thus endeavoured to *silence* the person whom he could not *expell*. This method also proved ineffectual. The immediate interposition of the Pope became necessary. Alexander, that aged dictator of the Christian world, commanded the Scottish clergy, within eight days after receiving his mandate, to install John, and yield clerical obedience to him. The Pope averred, but with what truth I know not, that William had left his parliament to decide between the competitors, and that the parliament had unanimously advised him to acquiesce in the consecration of John. 'Should William,'
 said

1181.

said the Pope, 'from his own will, or by the suggestion of the wicked, 'adopt other counsels, it is your part to obey God, *and the church of 'Rome, rather than men* *.'

Not satisfied with this, Alexander issued a mandate to the Scottish Bishops, ordering them to excommunicate Hugh the pretended Bishop of St Andrew's. *R. How. 599.*

To shew that he was resolved to enforce obedience, the Pope granted legatine powers, over Scotland, to Roger Archbishop of York; he authorised him, and Hugh Bishop of Durham, to excommunicate the King of Scotland, and to lay the kingdom under an interdict, if the King did not forthwith put John in peaceful possession of the see of St Andrew's.

William still remained inflexible. He seems to have been proud of opposing, to the uttermost, that Pontiff, before whom his conqueror Henry had bowed.

It is said, that John offered to resign his pretensions; but that the Pope required him, *by his clerical obedience*, the most formidable of all adjurations, to stand firm and maintain his post †. *Fordun, vi. 36.*

Hugh

* 'Cum igitur tam ecclesiastici quam seculares principes a charissimo in Christo filio nostro Willielmo, illustri Scottorum Rege, districtius adjurati fuissent, de recto consilio dando, firmiter promittente ipso Rege, quod eorum consilio staret, responderunt omnes tanquam unus, ut praefati Johannis consecrationem, coram legato nostro, et quatuor episcopis, quinto aegrotante, sed scripto consentiente, celebratam, ulterius non turbaret, sed permetteret eum in pace sua sede consecrari. Quod si Rex aliud voluerit, aut etiam consilio pravorum inclinatus fuerit, Deo et Sanctae ecclesiae Romanae magis oportet obedire quam hominibus; *R. Hoveden, p. 598.*

† Fordun says, that, 'When the Pope threatened to lay the kingdom under an interdict, John interposed, and declared, that *he would rather renounce his dignity for ever, than that the masses said for the souls in purgatory should be intermitted for one day.*' Such must have been the consequences of a national interdict regularly denounced. Fordun seems to consider this declaration as a heroic strain of christian charity. I presume that every Bishop, who believes in purgatory, would act as John Scot did.

Q²

1181.

R. *Hov.* 599. Hugh Bishop of Durham, taking John with him, had an interview with the King. He strove to reconcile them, but in vain. The interdiction of the diocese of St Andrew's, the excommunication of Hugh, and the menaces issued against the King, had all proved unsuccessful.

*Benedict. Ab-
bas*, 369.

With no better success, John employed another engine. He excommunicated Richard de Moreville constable of Scotland, Richard de Prebenda the secretary, and divers others of William's counsellors, as being disturbers of the peace of the church. Hence we may learn *who* were William's ministers, or, to use Pope Alexander's phrase, the *wicked ones*.

R. *Hov.* 599.

Alexander now lost all patience; thwarted and despised, he directed an epistle to William in the stile of a peevish old man, and commanded him to install John, within the term of twenty days, under pain of excommunication. 'If you persist in your obstinacy and outrage,' said the Pope, 'you may rest assured, that as, in time past, I have laboured to procure the freedom of your kingdom, so, in time to come, I will make it my study that it return unto its antient servitude *.'

R. *Hov.* 613.

Henry offered his mediation to terminate this quarrel. William agreed to recal the Bishop of Aberdeen from banishment, to confer the office of chancellor on John Scot, and to give him his choice of the vacant bishopricks in Scotland. The Pope would listen to no compromise; William would make no farther concessions.

The

* 'Pro certo quoque teneas, quod, si in tua duxeris violentia perdurandum, sicut laboravimus, ut regnum tuum libertatem haberet, sic dabimus studium, ut in pristinam subjectionem revertatur;' R. *Heveden*, p. 599. From this it might possibly be inferred, that the Pope had endeavoured to procure some mitigation of the treaty of Falaise. But I rather incline to think, that he alludes to the independence of the Scottish church, which he is pleased to consider as *his work*, and, what is singular, as *his work* against justice, and the rights of the church of England. 'Ut in *pristinam* subjectionem revertatur.' Whether Alexander steered his course between the rights of both churches, *clave non errante*, must be determined by those who are more expert at reconciling contradictions than I am.

1181.

The Archbishop of York, and the Bishop of Durham, tools of the Romish court, summoned the clergy of the diocese of St Andrew's to yield obedience to John, under pain of suspension. William banished all who yielded obedience. *R. Hov. 614.*

Both parties had now advanced so far, that neither could retreat. The Archbishop of York, as papal legate, fulminated the sentence of excommunication against William: Concurring with the Bishop of Durham, he laid the kingdom of Scotland under an interdict. *R. Hov. 615.*

Matters were brought to this crisis, when the Pope and his obsequious legate died. *Benedict. Abb. 370. 371.*

1182.

William lost no time in dispatching ambassadors to Rome. Lucius III. the new Pontiff, reversed the sentence of communication, and recalled the interdict. His Bull issued on that occasion bears, 'That, to reverence Kings is an apostolical precept; that the King of Scotland had *inexorably opposed* the admission of John Scot, and had set forth many and sufficient reasons for annulling the judgments pronounced by authority of Alexander III. *.' *R. Hov. 616.*

The Pope sent the Bishop of Dol, and the Abbot of Rivaux, into Scotland, to negotiate with the King. The King offered to confer on John Scot the bishoprick of Dunkeld, and the dignity of Chancellor, and to allow him the emoluments of the archdeaconry of St Andrew's, with an annual pension of 40 merks. He required John to burn all the instruments. *R. Hov. 617.*

* 'Cum Regibus tanquam excellentibus apostolus statuerit deferendum. Accepimus quod, cum Willielmus Rex Scotorum electioni et consecrationi Johannis episcopi *inexorabiliter obviaret*. Jocelinus episcopus Glasguensis, &c. suâ nobis assertionem monstrârunt, quod Archiepiscopus [Eboracensis] excommunicationis in Regem, et interdicti in regnum, et episcopus jam dictus in quosdam de regno excommunicationis sententiam protulerunt, quam ex multiplici ratione retractandam fore rationabiliter, coram nobis et fratribus, ostenderunt;' *R. Hoveden, p. 616.*

1182.

instruments obtained from Pope Alexander. He offered, if that was absolutely required, to remove Hugh from St Andrew's to Glasgow; but he candidly declared, that, in that case, he would withhold his personal favour from John.

In what related to himself, John acquiesced: He justly objected to the burning of the instruments, but agreed to renounce all the benefit of them, if inconsistent with the King's pleasure: He declared, that he never could consent to his rival's remaining in the see of St Andrew's.

R. Hov. 621.

At length the controversy was ended in this manner: Both Hugh and John resigned their pretensions to the bishoprick of St Andrew's: The Pope nominated Hugh to St Andrew's, John to Dunkeld, and made *that* his *deed*, which was the King's *will**.

Chr. Mel. 175.

In token of perfect amity, Lucius sent *the golden rose* † to William, with his paternal benediction.

William

* The Continuator of Fordun has given *the History of the Bishops of St Andrew's* in his sixth book. It is valuable, as being a transcript from more ancient writers. Of John Scot he says, 'That he had such influence over the Pope, as to be able to incline him whatever way he pleased.' Perceiving the panegyric to be heretical, he adds, '*Ratione tamen praevidâ*;' l. vi. c. 38. If the Pope here spoken of be Alexander III. it is still a sufficient panegyric, 'That John Scot could make Alexander III. listen to reason.' Perhaps, it may be thought, that neither the Pope nor his counsellor acted *ratione praevidâ*. John has been much extolled for his self-denial, in procuring the district of Argyle to be disjoined from his see of Dunkeld, because his ignorance of the Gaelic language rendered his episcopal labours unfruitful in Argyle. *Keith* observes, 'That, upon this principle, he ought to have resigned his pastoral staff; for that the Gaelic was no less the language of the district which he retained, than of that which he quitted;' *Catalogue of Bishops*, p. 179.

† On the Sunday which happens in the middle of Lent, the Pope was wont to bear in his hand a rose of gold enameled red, and perfumed; *this* he bestowed as a mark of grace, sometimes on the most favoured of his attendants, at other times, on any foreign

1184.

William demanded in marriage his cousin Matildis, daughter of the banished Duke of Saxony, and grand-daughter of Henry II. Henry consented, providing a dispensation could be procured from the Pope. The Pope refused it*.

*Benedictus
Abbas, 407.
416. 417.*

Immediately after William's fatal invasion of Northumberland in 1174, Henry had conferred the earldom of Huntingdon on Simon de Senlis. By the death of Simon, without issue, the earldom returned to the crown. Henry restored it to William: William conferred it on his brother David.

*Benedictus
Abbas, 435.
R. Hov. 622.*

1186.

A pacification of Galloway ensued, after long and bloody dissensions. Fergus, Lord of Galloway, left two sons, Gilbert and Uchtred. The inheritance was divided between them. They led their barbarians to the army of William when he invaded Northumberland. After William's captivity, the natives of Galloway broke loose, murdered many subjects of Scotland who were settled in their territory, and expelled the King's officers. Gilbert and Uchtred, either dreading chastisement from Scotland, or, sensible of the superior power of England, besought

*Chr. Melros,
178.
W. New. 216.*

reign Prince whom he meant to flatter or reward. By the *rose*, Christ was figured: By the *gold*, his kingly office: By the *red colour*, his passion: And by the *perfume*, his resurrection. This is no impertinent Protestant glose; it is the interpretation given by Alexander III. when he sent the mystical present to Lewis VII. King of France; *Picard*, apud W. Newbr. edit. Hearne, p. 661.

* Lord Lyttelton says, vol. vi. p. 206. 'This scruple, I presume, had no other cause than William's non-compliance with what the sovereign Pontiff required in behalf of John Scot, whom he had not yet admitted into the bishoprick of Dunkeld.' This conjecture seems unsatisfactory. Lucius III. appears to have favoured William rather than John Scot. It is impossible for us to develope the intrigues at the Court of Rome. Perhaps Henry II. relished not this alliance, and threw in the difficulty of a dispensation, as the least offensive mode of refusal. Even at that time, perhaps, he may have destined Ermengarde for William: Neither can it be held incredible, that the Pope acted *bonâ fide*, and from a rigid regard to the canons.

1186.

R. Hov. 541. *Ben. Abb.* 93. besought Henry to receive their homage*. While this treaty was in agitation, Gilbert, by the ministry of his son Malcolm, cruelly murdered Uchtred †, and sought to possess himself of Uchtred's portion; but he was gallantly resisted by Rolland, the son of Uchtred. Gilbert renewed the negotiation with Henry in his own name, and offered to pay him a yearly tribute of 2000 marks of silver, 500 cows, and 500 swine. Henry, on account of the treacherous murder of Uchtred, refused both the homage and the tribute. In 1175, William having been restored to liberty, marched an army into Galloway, to *Ford.* viii. 25. chastise Gilbert; but, instead of executing justice, contented himself with a pecuniary satisfaction. It seems probable, that this disgraceful compromise is to be imputed to the weakness and indigence of the Scottish state. In 1176, the murderer Gilbert came to York with William, was received into the favour of Henry, and did homage to him. He gave his son Duncan as an hostage for his good behaviour.

R. Hov. 555. This transaction was highly dishonourable to both princes, but especially to Henry, who had power to punish the fratricide, and yet sold his favour to him for 1000 merks.

Benedict. Abb. 407. 435. In 1184, Gilbert invaded Scotland with his wonted barbarity. Terms of accommodation were offered to him, which he rejected. He died soon after, [1185.]

W. Newb. 282. Roland, the son of Uchtred, neglected not this opportunity: He rose in arms, and possessed himself of all Galloway; discomfited the
faction

* *Benedictus Abbas* says, that the proposal came from Henry, and that he sent *Hoveden* and *Robert de Val* to the two brothers, *ut allicerent eos ad servitium suum*. But *Hoveden* himself makes that relation which I have adopted.

† ‘*Abscissis testiculis, et oculis evulsis*.’ In this all historians agree. *Benedictus Abbas* says, that the brothers mutually plotted against each other; p. 92. *Fordun* says, that Uchtred was in the Scottish interest, and was murdered for his fidelity, [September 22. 1174.] l. viii. c. 25.

1186.

faction of Gilbert, and slew their commander Gilpatrick, [4th July 1185.] With equal success, he fought Gilcolm, the leader of a formidable band of robbers who had settled in Galloway: Gilcolm fell in the action. William favoured the enterprizes of Rolland; Henry was incensed at them. In 1186, he assembled a mighty army at Carlisle, and prepared to invade Galloway. Rolland fortified all the passes, and made a shew of desperate resistance. At length, articles of pacification were adjusted. It was agreed, that Rolland should retain what had been possessed by his father Uchtred, and should stand to the judgment of the King of England's court, as to what had been possessed by Gilbert, and was now claimed by his son Duncan. For the performance of this agreement, Rolland delivered up his three sons as hostages to Henry, and swore fealty. William King of Scotland, his brother David, and all his barons, promised upon oath, that, if Rolland departed from the terms of this convention, they would compel him to give satisfaction; the Bishop of Glasgow publicly promised, in presence of the relics of the saints *, that he would, in that case, excommunicate Rolland and lay his territories under an interdict.

Chr. Mel. 176.*Ford.* viii. 39.*Benedic. Ab.*
448. 449.

The controversy between Rolland and Duncan the son of Gilbert was settled by an amicable compromise: William confirmed to Duncan the territory of Carrick, a district of ancient Galloway: Duncan renounced all farther claims.

Ford. viii. 40.

In this year William married Ermengarde, daughter of Richard Viscount of Beaumont, [at Woodstock 5th September.] Her grandmother was a bastard of Henry I. Hence, according to the language of those times, she was stiled the *cousin* of Henry II. The proposal for this alliance came from Henry II. William asked the advice of his counsellors,

Chr. Mel. 176.*R. Hoveden,*
631. 632.

* 'Promisit in verbo veritatis, coram omnibus et sanctorum reliquiis;' *Benedictus Abbas*, p. 449. 450.

1186.

Benedic. Ab.
448.

counsellors, and, *at length assented* to it *. The Queen's dower was the castle of Edinburgh, newly restored to William, the feudal services of forty knights, and a yearly revenue of a hundred pounds †.

1187.

Chr. Mel. 177.
Ford. viii. 28.
Benedic. Ab.
469.

Donald Bane, the son of William, and grandson of *Duncan the bard*, King of Scotland, infested the north. He pretended a title to the crown, seized Ross, and wasted Moray. William led a numerous army against him. While his army lay at Inverness, a marauding party, commanded by Rolland of Galloway, accidentally rencountered Donald Bane, [or M^c William,] on the heath of Mamgarvy, attacked and slew him, [30th July.]

1188.

R. How. 651.

We have seen, that Pope Alexander III. thus addressed himself to William in 1181. 'If you persist in your obstinacy and outrage, you may rest assured, that as, in time past, I have laboured to procure the freedom of your kingdom, so, in time to come, I will make it my study that it return unto its ancient servitude.' Little did Alexander foresee, that, within seven years, one of his successors would confirm the privileges of the Scottish church, notwithstanding the obstinacy of William. In 1188, Clement III. declared 'The church of Scotland to be the daughter of Rome by special grace, and *immediately* subject to her; that the Pope alone, or his legate *à latere*, should have power to pronounce sentence of interdiction or excommunication against Scotland; and that none should be capable of exercising the office of legate, except a Scottish subject, or one specially deputed by the apostolic see out of the sacred college.' He further declared, 'That no appeal concerning benefices should lie out of Scotland, unless to the court of Rome.'

Henry

* 'Habito cum familiaribus suis consilio, tandem acquievit;' *Benedictus Abbas*, p. 448.

† 'Centum libratas reddituum et quadraginta milites;' *R. Hoveden*, p. 632.

1188.

Henry II. who still detained the castles of Rokeburgh and Berwick, offered to restore them, if William would pay the tenths of his kingdom for the Holy War*. The barons and clergy of Scotland made answer in parliament, 'That *they* would not, although both Kings should have sworn to levy them.'

Benedic. Ab.
514.

1189.

Henry II. died [6th July.] I am afraid that no Scotsman can draw his character with impartiality.

Chr. Mel. 178.
Benedic. Ab.
546.

Richard *Coeur de Lion* invited William to his court at Canterbury, and generously restored Scotland to its independence, [5th December 1189.]

Benedic. Ab.
575.
Foedera, i. 64. *M. Paris* 109.

This ever memorable instrument bears, 'That Richard had rendered up to William, *by the grace of God, King of Scots*, his castles of Rokeburgh and Berwick, to be possessed by him and his heirs for ever as their own proper inheritance.

'Moreover, we have granted to him an acquittance of all obligations which our father *extorted from him by new instruments, in consequence of his captivity*; under this condition always, that he shall compleatly and fully perform to us whatever his brother Malcolm, King of Scotland, of right performed, or ought of right to have performed, to our predeceffors †.'

Richard

* Henry did not detain the castles of Rokeburgh and Berwick on account of the obstinacy of the Scottish clergy, in refusing obedience to the English church; *Lyttelton*, vol. vi. p. 301. The Norman treaty made no such provision; besides, had this been Henry's pretext, why did he restore the other castles? The truth is, that the castles of Rokeburgh and Berwick, being on the English border, might be easily maintained, and afforded at all times a convenient entrance into Scotland. This was the reason for detaining them; of *specious pretexts* Henry was not studious.

† 'Praeterea quietavimus ei omnes pactiones quas bonus pater noster Henricus Rex Angliae, *per novas chartas et per captionem suam, extorsit*, ita videlicet, ut nobis faciat

1189.

Richard also ordained the boundaries of the two kingdoms to be re-established as they had been at the captivity of William. He calls 'them, 'the marches of the kingdom of Scotland, [marchiae regni 'Scotiae.']

He became bound to put William in full possession of all his fees in the earldom of Huntingdon or elsewhere, [et in omnibus aliis], under the same conditions as heretofore.

He delivered up such of the evidences of the homage done to Henry II. by the barons and clergy of Scotland, as were in his possession, and he declared, that all evidences of that homage, whether delivered up or not, should be held as cancelled.

R. Hov. 662.
Brompton,
1168.

The price which William agreed to pay for this ample restitution, was ten thousand merks sterling *.

The

'ciat integrè et plenariè quicquid Rex Scotiae Malcolmus frater ejus antecessoribus 'nostris de jure fecit, et de jure facere debuit;' *Foedera*, T. i. p. 64. *Brompton*, for 'quietavimus ei omnes pactiones,' reads, 'quietas-clamavimus ei omnes consuetudines et pactiones;' p. 1168. *R. Hoveden*, for 'consuetudines,' reads 'conventiones;' p. 662.

* It is evident, that the King of Scots could not have paid this ransom without an aid from his people. How that aid was granted, and in what manner it was levied, are circumstances respecting which we may conjecture, but cannot determine. There is a grant by William the Lion, to the abbey of Scone, that may tend to throw some light on this subject: 'Mando et firmiter praecipio, ut ubicunque Abbas de Scone, aut 'serviens ejus, invenire poterit homines, qui *pro auxilio* a terra sua fugerint, *postquam* 'auxilium assisum fuerit apud Mucelburgh, ad eum et ad terram suam redeant, et cum 'eo sint quousque *auxilium reddetur*; et prohibeo firmiter, ne eos ei injustè aliquis deti- 'neat super meam plenam forisfacturam; ita tamen quod, si aliquis aliquod jus in eis 'clamaverit, *post solutionem auxilii*, ei rectum inde teneatur;' *Chart. Scone*, fol. 10. There are witnesses to this charter, Hugo Cancellarius and M. filius Comitis Duncani. From this instrument we may learn, 1. That, in the reign of William the Lion, an aid was granted to him. 2. That the clergy contributed a share of this aid. 3. That the quantum was ascertained in a convention of some sort held at Muffelburgh. 4. That the clergy reimbursed themselves, to a certain degree at least, by imposing some-
thing

1189.

The later English historians have severely censured Richard for this restitution, which they term *impolitic*.

I cannot view it in that light. By restoring Scotland to its independency, Richard converted an impatient vassal into an ally affectionate and faithful. He was about to undertake an expensive crusade. Ten thousand merks Sterling, supposed to be equivalent to one hundred thousand pounds Sterling at this day *, was an object of importance. Besides, Richard could not, with any shew of justice, detain the castles of Rokesburgh and Berwick. Scotland, possessed of them, would have proved formidable to the neighbouring kingdom, weakened by the absence of its sovereign and barons. It may have been impolitic in Richard to undertake a crusade; but, as he had, it was not impolitic to conciliate the affection of Scotland, even at the price of this restitution.

It must, in a great measure, be ascribed to the generous policy of Richard, that, for more than a century after the memorable year 1189, there was no national quarrel, nor national war, between the two kingdoms. A blessed period!

David

thing of the nature of a capitation-tax on the inhabitants of their territories. 5. That this tax was so heavy as to induce some of the inhabitants to leave their places of residence, in order to elude payment. The names of the witnesses to this grant will lead us to ascertain its date with tolerable exactness. *M. filius Comitum Duncani*, is plainly Malcolm the son of Duncan Earl of Fife. He is said to have succeeded his father in 1203, and to have died in 1237. Therefore this grant could not be later than 1203. There were two persons of the name of *Hugh*, *chancellors* in the reign of William the Lion. Hugh de Morville was chancellor in the beginning of his reign; it is improbable that he should have been a witness together with Malcolm Earl of Fife, who lived till 1237. The other Hugh, chancellor of Scotland, was Hugh de Rokesburgh, Bishop of Glasgow, who became chancellor in 1189, and died in 1199; *Keith*, Catalogue, p. 140. This grant appears to have been made while he held the office of chancellor. It may not be improper to observe, that this Hugh is the *Hugo Clericus* who appears to have written so many fair charters in the reign of William the Lion.

* In order to produce the value of a pound Sterling of the present times, Lord Lyttelton multiplies *one* merk of the twelfth century by *ten*.

1190.

Chr. Mel. 178.

David Earl of Huntington, heir presumptive of the crown of Scotland, married Matildis daughter of Ranulph Earl of Chester, and immediately departed for the Holy Land, under the banners of Richard.

Boece, xiii.
276.

Many were the disasters of this zealous Prince. Shipwrecked on the coast of Egypt, he was made captive. His rank unknown; he was purchased by a Venetian, who brought him to Constantinople; *there* some English merchants accidentally recognised him; they redeemed and sent him home. After having surmounted various difficulties, he was in imminent hazard of a second shipwreck on the coast of Scotland. He ascribed his deliverance to the Virgin Mary, and, in memory of her efficacious intercession, founded a monastery at Lindores in Fife*. There is nothing incredible in this story; yet the evidence of it is somewhat suspicious.

1192.

Chr. Mel. 179.

William bestowed 2000 merks for the redemption of Richard. Without questioning his grateful liberality, I incline to believe, that that sum made part of the covenanted price of our independency.

1195.

Ford. viii. 56.

William, perceiving his health to decline, assembled a parliament at Clackmannan. Fordun reports, that he prevailed on the Scottish Barons to swear fealty to Margaret his daughter, in the event of his having no male issue by his Queen Ermengarde. This Margaret was born to

Chr. Mel. 179.

William by the daughter of Adam de Hituson, and had been given in marriage to Eustace de Vespi in 1193.

This story is most improbable. My opinion is, that Margaret, the lawful daughter of William by Ermengarde, was the person to whom
the

* John Major, L. vi. c. 5. says, 'Iste est David de quo apud Gallos liber satis vulgaris loquitur, qui *de trium Regum filiis* inscribitur, scilicet, Franciae, Angliae, et Scotiae, et non differentem ab hoc in nostra lingua vernacula librum habemus.'

1195.

the Scottish Barons swore fealty. If William and his barons had concurred in setting David Earl of Huntington aside, they certainly would have preferred male bastards to female. They would have preferred Henry, surnamed *Gellatley*, to Margaret the wife of Eustace de Vescei.

In this year, William altered the coin.

Chr. Mel. 180.

1196.

William de Moreville, constable of Scotland, died. He was succeeded by the celebrated Rolland Lord of Galloway, who had married Ela the sister and heir of Moreville. Rolland, however, paid, on this occasion, 700 merks to William*.

Ford. viii. 56.

Troubles arose in Caithness. William marched into that country, and dispersed the rebels who were headed by Harald Earl of Orkney and Caithness†.

Ford. viii. 59.

1197.

The rebels again appeared in arms under one Roderic and Torphin the son of Harald. The King's forces encountered them near Inverness; the enemy was defeated, and Roderic slain. William marched to the northern extremity of Scotland, seized Harald, and detained him captive, until his son Torphin surrendered himself as an hostage. Fordun adds, that the father having again rebelled, Torphin had his eyes put

*Chr. Mel. 180.
Ford. viii. 59.*

* 'Datis septingentis marcis argenti Willelmo Regi Scotorum pro haereditate et honore constabulariae;' *Fordun, L. viii. c. 56.*

† 'Willelmus exercitum duxit in Cathanensiam, et, transito fluvio Ochiello, *utramque provinciam Cathanensium subegit.*' By *utramque provinciam*, it is plain that Caithness and Sutherland are understood. Mr Lauchlan Shaw, minister at Elgin, has favoured me with the following observations, concerning the names of Sutherland and Caithness: 'Sutherland and Caithness were anciently, in Latin, called *Cathanesia cis et ultra montem*, viz. *Ord*. In the Gaelic language, *Sutherland* is called *Catav*, i. e. the hilly and steep side of the *Ord*, from *Cait*, high or steep, and *tav*, side. And *Caithness* is called *Guaelav*, i. e. the plain side, from *guel*, low and plain, and *tav*, side.'

1197.

put out, was emasculated, and suffered to perish in prison. The manners of those savage times reconciled men to deeds, at which we shudder*.

Chr. Mel. 181.
Ford. viii. 59.

In this year, William built the castle of Air. It was, probably, intended for a barrier against the men of Galloway.

1198.

Chr. Mel. 181.
Ford. viii. 59.

A son was born to William, at Haddington, on St Bartholomew's day, and named Alexander.

1200.

R. Hov. 811.
812. Ford.
viii. 61.

William did homage to John the new King of England at Lincoln, 'Saving his own rights †,' [22d Nov.] After having performed this duty, he demanded back the three counties. John promised to return an answer at Whitsunday.

1201.

Chr. Mel. 181.

The Scottish Barons swore fealty to the infant son of their sovereign [at Musselburgh, 12th October.]

Annal Burton
262.

Margaret, sister of William, died. She was the mother of Constantia Dutchess of Britany.

In

* Many a nominal christian might have profited by the example of the heathen Scipio, who said, 'Neque se in obsides innoxios, sed in ipsos, si defecerint, faevitum : 'Nec ab inermi, sed ab armato hoste, poenas expetiturum ;' T. Liv. L. xxviii. c. 34. n. 10.

† 'Salvo jure suo ;' *R. Hoveden*, p. 811. Among the Scottish nobles, witnesses to this ceremony, Hoveden mentions 'Patricius Comes de Lonais.' This is evidently a word disfigured by the ignorance of transcribers. Every person versed in our antiquities must, at first sight, perceive that *Lodonay*, or something equivalent, is meant. *Fordun*, L. viii. c. 40. and *Boece*, L. xiii. fol. 273. b. concur in giving the title of Earl of *Loudoun* or *Laudoun*, to the Earl of *Dunbar* or *March*. The testimony of Hoveden is of greater weight than the more recent testimonies of *Fordun* and *Boece*. It is probable, that the *Loudoun* or *Laudoun* here meant was not far distant from the *Marches*, and from *Dunbar*.

1201.

In the same year, Constantia died. She did not survive her son Arthur, as some of the historians of England have imagined.

*Foed. i. 127.
290. R. Hov.
822.*

1204.

There happened a misunderstanding between John and William. John repeatedly attempted to build a castle at Tweedmouth, in order to awe the garrison of Berwick; William repeatedly demolished it. This gave rise to a fruitless conference between the two Kings at Norham.

On the 16 of October 1205 there is a mandate from king John to W. the Treasurer to deliver £20 to Thomas de Galeweie. Rot. Litt. Claus. i. 11. Upon the 22 January 1205 he had a gift of 20 mares to provide himself with harness. id. p. 17.

1205.

David Earl of Huntingdon swore fealty to his nephew Alexander Prince of Scotland.

Chr. Mel. 182.

+

1208.

Innocent III. confirmed the privileges of the Scottish church.

Ford. viii. 67.

1209.

Alan of Galloway, the son of Rolland, married Margaret the daughter of David Earl of Huntingdon.

Chr. Mel. 183.

The disgusts between the two Kings increased. John led his army to Norham, William his to Berwick. By the mediation of their Barons, it was agreed that both armies should retire. Terms of peace were at length adjusted. It is said, that John agreed never to rebuild the castle of Tweedmouth; William, to pay a sum of money for his demolition of it. This much is certain, that William became bound to pay 15000 marks to John 'For procuring his friendship, and for fulfilling certain conventions between them *,' [7th August.]

*Ford. viii. 71.
72.*

William had a safe conduct when coming to the king of England. It is dated 10 April 12 John. Rot. Pat. Concerning John's northern expedition see M. Paris. 159.

Foed. i. 155. 103.

Foed. i. 104 where it is dated 1212.

William delivered his two daughters, Margaret and Isabella, to John, that they might be provided by him in suitable matches. The Scots affirm,

affirm,

* 'Pro habenda benevolentia ejusdem Domini nostri Johannis Regis Angliae, et pro conventionibus tenendis, quae inter ipsum et nos factae, et per cartas nostras hinc et inde confectae sunt;' *Foedera*, T. i. p. 155. That so large a sum should have been paid, on account of the violent demolition of Tweedmouth castle, is improbable.

S

+ 1207. William coming to London had a safe conduct. *Rot. Pat. 13 March 8 John.*

1209.

M. Paris, ad-
dit. 99.

affirm, that, by the original convention, Henry and Richard, the sons of John, were to marry the two Princesses. The English parliament, on one occasion, affirmed, that, by the convention, Henry, and, in the event of his death, Richard, was to marry the eldest of the two Princesses; but Hubert de Burgh, the great minister of John, positively denied his knowledge of any such condition.

Chr. Mel. 183.

For the performance of this treaty, William gave hostages to John. This pacification was much censured by the Scots; but William's infirm old age admonished him of his approaching dissolution, and of the necessity of leaving his kingdom in a peaceable state to an infant successor.

1210.

Ford. viii. 72.*Boece*, xiii.
278. b.

While William resided at Perth, near the confluence of Almond and Tay, a sudden land-flood, met by a spring-tide, surrounded and overwhelmed the town. William, his son, and his brother, escaped with difficulty in a small skiff. William rebuilt the town in a place less exposed to such calamities, and called it St Johnstoun*. There is a traditional report, that his infant son John perished in the inundation. This circumstance, however, seems to have been an invention of latter times.

1211.

Ford. viii. 73.

A parliament was held at Stirling. The King demanded an aid for levying the sum due to the King of England by the late convention. The

* *Buchanan*, L. vii. c. 50. says, that *Perth* was so named from one *Perthus*, who gave ground to the King for building the new town upon, after the destruction of the ancient *Bertha*. There is no solidity in this derivation. *Perth* and *Berth* are just the same. Mr Lauchlan Shaw informs me, that *Bertha* is a contraction of *Abertav*, i. e. 'The mouth of the river Tay,' or the place where the Tay meets the sea.

1211.

The Barons gave him 10,000 merks, the *boroughs* 6000 *. 'But the parliament presumed not to tax the ecclesiastical order.'

New troubles arose in the north: One Guthred, of the family of M'William, landed from Ireland and wasted Ross. The King sent an army against him, and joined it in person, as soon as his infirmities would permit. Guthred avoided a general action, and eluded the King's forces.

Ford. viii. 76.

Chr. Mel. 185.

1212.

Guthred, betrayed by his followers, was put to death by William Comyn justiciary of Scotland.

Ford. viii. 76.

See Errata at begin.

Alexander, Prince of Scotland, received the order of knighthood from John, although John was under sentence of excommunication.

Chr. Mel. 185.

186. Fordun,

viii. 79.

M. Paris. p. 161. says it was Dominica qua cantatur letare Hierusalem, and adds that they were celebrating the festival at Clerkewell.

After a long and lingering illness, William King of Scots died, [at Stirling, 4th December,] in the 72d year of his age, and 49th of his reign.

His confederacy with young Henry was immoral, and, to judge from events, impolitic. His temerity at Alnwick drew down misfortunes on himself, and disgrace on his kingdom. In other respects, he appears to have been a judicious and worthy Prince; steady, perhaps severe, in the administration of justice, amid a fierce and undisciplined people. Active in quelling insurrections, he traced the delinquents to their

* 'Hoc anno Rex Scotiae Willelmus magnum tenuit consilium. Ubi, petito ab optimatibus auxilio, promiserunt se daturos decem mille marcas; praeter burgen-
'ses regni, qui sex millia promiserunt;' Fordun, L. viii. c. 73. This seems to prove that Scotland had some resources from industry and trade, even in the 13th century. The proportion paid by the boroughs, compared with that paid by the barons, was as 3 to 5. At the union of the two kingdoms, the proportion was fixed, as 1 to 5.

From this passage also, it may be concluded, that, as early as 1211, burgeses gave suit and presence in the great council of the King's vassals, although the contrary has been asserted, with much confidence, by various authors.

1212.

their most distant retreats. He was zealous and successful in asserting and establishing the privileges of the Scottish church.

His vigilant attention to the state of England, and to the temper and exigencies of Richard, at length regained that independence to Scotland, which his inconsiderate valour had lost.

Decr. Greg.
iii. 44. 6.

In this reign, an attempt was made to correct the evils which arose from religious sanctuaries. William consulted Pope Innocent III. as to the manner of proceeding against malefactors, who, with the view of avoiding punishment, sought an asylum in churches. It is plain, that he wished to obtain permission to take them out of the sanctuary. But the Pope made answer, ‘ If the person, who retires into a church, be a free man, he must not be forced from thence, nor punished with the loss of life or limb, even for the most atrocious offences; but every other punishment, which the law authorises, may be inflicted on him. Public robbers, however, and they who spoil the country by night, may be dragged out of churches, and this is no violation of the rights of sanctuary *. If the person, who retires into a church, be a slave, he must be restored to his master, after that his master has promised, upon oath, not to inflict any punishment on him.’

Few particulars of the private life of William are to be learnt from the meagre and uninteresting chronicles of those times.

W. Newb. 169.

Although his marriage with Ermengarde de Beaumont was, in all probability, a measure wholly political, yet he proved a true husband; and indeed she deserved his affections.

It

* ‘ Nisi publicus latro fuerit vel nocturnus depopulator agrorum; qui, dum itinera frequentat, vel publicas stratas obsidet, aggressionis insidiis, ab ecclesia extrahi potest, impunitate non praeſtitâ, ſecundum canonicas ſanctiones;’ *Decr. Greg. L. iii. tit. 49. c. 6.* It will be remarked, that they to whom the right of sanctuary was denied, were the persons whose offences were most prejudicial to the clergy. This reſcript of Innocent III. ſeems to have been addreſſed to William. Innocent indeed ſurvived William for two years; but the ſucceſſor of William was a minor; and it is not probable that he would have conſulted the Pope on the delicate ſubject of aſylums.

1214.

It must be confessed, that William, in his earlier years, was inordinately addicted to women. He debauched young maidens of quality, and bestowed his bastard daughters in marriage on the chief of his Barons.

Chr. Melros.
175. 176. 178.
Foed. ii. 575.

His bastards were, 1st Robert, surnamed of London *; 2d, Henry, surnamed Gellatley; 3d, Isabel, married in 1183 to Robert de Bruce, and in 1191 to Robert de Rofs; 4th, Ada†, married in 1184 to Patrick Earl of Dunbar; 5th, Margaret, married in 1192 to Eustace de Vesci; 6th, Aufrida, married to William de Say.

Before the days of William, none of the Scottish Kings assumed a coat armorial. The *Lion rampant* first appears on his seal. It is probable, that, from this circumstance, he received the appellation of *The Lion*. From a similar cause it is, that the chief of the Heralds in Scotland is termed *Lion King at arms*. Thus also, among the pursuivants of the Kings of England, there were *Rouge dragon* and *Rose blanche*. And thus the pursuivant of Richard Duke of Gloucester was stiled *Blanc sanglier*, of George Duke of Clarence, *Noir taureau*.

Anderf. dipl.
Scot. Pr. 54.

The statutes of William the Lion, containing thirty-nine chapters, are to be found in the collection of the antient laws of Scotland, published

Disc. of Antiqu.
by Hearn.
65.

* Grant by William 'Roberto de Londoniis filio suo;' *Chart. Dunferm.* vol. ii. fol. 12. This instrument ought to put genealogical writers on their guard; they must not conclude that every one described as *filius*, was therefore legitimate. This person, however, may have been married to a bastard of the King, and hence termed *filius*.

† Boece says, that Ada was the lawful daughter of William, born to him by his first wife, whose name and family he confesses were unknown; L. xiii. fol. 273. b. 'cujus et nomen et familia non satis liquidè constant; opinor, quia eam privatus adhuc acceperat neglectam et praetermissam ab historiographis.' Boece did not advert, that, if Ada had been the lawful daughter of William, her descendants would have excluded the descendants of David Earl of Huntington, the Brother of William.

1214.

blished by Skene. There is reason to believe, that they are not altogether genuine, and without interpolations *.

A L E X A N D E R II.

1214.

Chr. Mel. 186.
Ford. ix. 1.

ALEXANDER II. a youth in his seventeenth year, succeeded his father William, and was crowned at Scone, [¹⁰th December.]

1215.

Chr. Mel. 189.

Donald M'William and *Kenaukmacabt*, associated with the son of an Irish Prince, made an inroad into Moray. *M'Kentagar* attacked and defeated them †.

Alexander

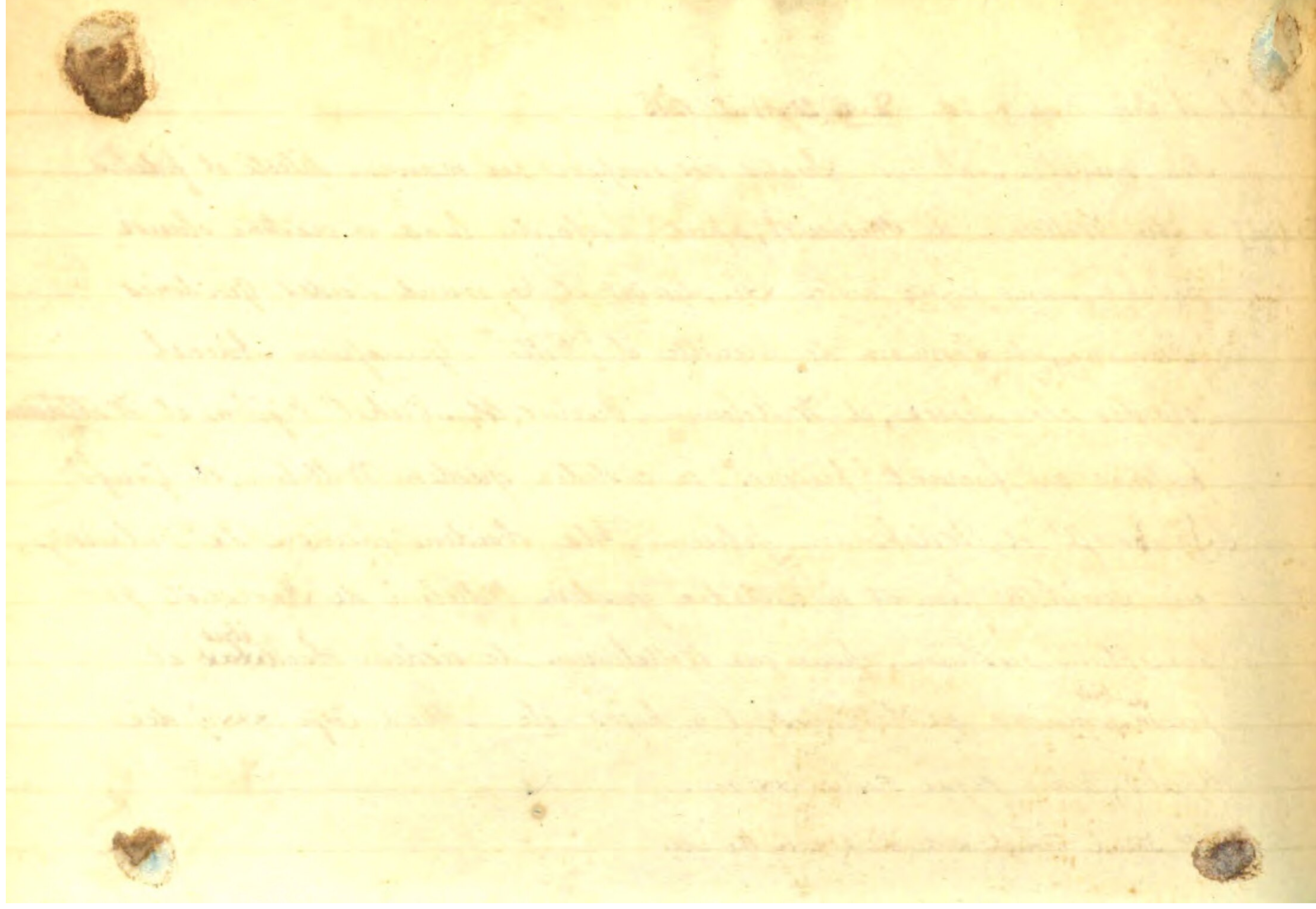
* One example of interpolation is to be found in C. 30. § 3. 4. 'Si [advenae] intestati decesserint, ad hospitem nil perveniat; sed bona eorum per manus episcopi in jus episcopatu est, perveniant et tradentur, si fieri potest, haeredibus, vel in pias causas erogentur.' The obvious intendment of this statute is, that the effects of a stranger dying intestate shall be taken into the custody of the bishop, in whose diocese the stranger died; and that the bishop shall deliver them to the heirs of the deceased, if such heirs can be discovered, or if means can be found of transmitting the effects to them; or, in case this should prove impracticable, that the effects shall be bestowed on charitable uses. This 30th statute is merely a transcript of the 10th section of the constitution made by the Emperor Frederic in 1220. As William the Lion died in 1214, we may conclude, that c. 30. is no statute of his. The English may have adopted the laws of David I.; but national credulity itself will not suppose that the Emperor Frederic adopted the laws of William the Lion.

† I transcribe this from the Chronicle of Melros. The author being a Saxon, has corrupted the Gaelic names; *Kenaukmacabt* and *M'Kentagar* are unintelligible words.

Rot. Pat. 16 Joh. m. 4. n. 20. Dated 28 April 1215

Rea omnibus, salutem. Sciatis nos recipere per manum dilecti et fidelis
[27 April] nostri Wilhelmi de Marecurt, apud Corfe, die luna in crastino clausi
pascha, anno regni nostri xvj., Gwijot et Reymund' obsides Gwidonis
Flemeng, et Thomam de Coleuille et [Wiltm^a] Geruafium Auenel
obsides regis Scocie, et Willclmum Bisclur, et Nichol' Vigilem et Watteram
prison^{es} qui fuerunt [prison^{es}] in custodia ejusdem Wilhelmi, et Gaufr'
S. Janⁱmesⁱ et Wilekinum filium Ada obsidem ipsius Ada Dulaieng,
qui similiter fuerunt in custodia ejusdem Wilhelmi de Marecurt per
praeceptum nostrum, ipsamque Willclmum de eisdem obsid^{ibus} et
prison^{ibus} omnino quietavimus, et in hujus etc. Apud Corfe xxviii. die
Aprilis, anno regni nostri xvj. mo.

^a Struck through with the pen in the roll.



1215.

Alexander espoused the cause of the barons against John *. He was induced to this by a promise of the surrender of Carlisle and the investiture of Northumberland. About the beginning of winter, he unsuccessfully besieged the castle of Norham in Northumberland, for forty days: During this siege, Eustace de Vesci gave livery and seisin of the county of Northumberland to Alexander †. The ceremony might have been deferred till the issue of Alexander's enterprize.

Chr. Mel. 189.

Nuncios A. regis Scott. missi regi ac eorum ampla potestas de negotiis regis Scott. apud Culegh. 7 July 1215. Rot. Pat.

Calendars of Charters, 329.

1216.

John King of England, eager to wreck his vengeance on his disaffected barons, and on Alexander who favoured them, wasted Yorkshire and Northumberland, burnt Werk, Alnwick, Mitford, Morpeth, and Rokesburgh, and stormed Berwick. His soldiers tortured the inhabitants to force a discovery of their valuable effects. The popular fable of the day was, that John had brought Jews to assist him in cruelty, as if he had needed any assistance! He penetrated into Scotland, burnt Dunbar and Haddington. 'We will smoke,' said he, 'we will smoke the little red fox out of his covert ‡.' His fury disappointed its own purposes. His troops could not subsist in the country which they had desolated. In his retreat, he burnt the priory of Coldingham and the town

Chr. Mel. 190.

John was at Berwick 20 Jan. 1216. Rot. Pat. an. 17.

M. Par. 191.

* Among the instruments of which Edward I. took possession 1291, there were four which would have thrown much light on the transactions in 1215. '1. Charta Baronum Angliae missa Regiae Scotiae contra Johannem Regem Angliae. 2. Charta Baronum Angliae et civium Londonensium missa Regi Scotiae, contra Johannem Regem Angliae. 3. Charta Baronum Angliae missa probis hominibus Karleol, contra Regem Angliae de civitate Karl. reddenda Regi Scotiae. 4. Charta Baronum Angliae missa tenentibus Northumbriam, Cumbriam, et Westmerl. contra Johannem Regem Angliae;' *Calendar of Ancient Charters*, p. 327. 328.

† In 1291, Edward I. possessed himself of 'unus baculus, unde Eustathius de Vesci saisivit Regem Alexandrum in comitatu Northamptoniae [l. Northumbriae,] cum esset apud Norham ad castellum obsidendum;' *Calendars of Ancient Charters*, p. 329.

‡ 'Quia Alexander rufus erat, significavit ei, dicens, sic fugabimus [l. fumigabimus,] rubeam vulpeculam e latibulis suis;' *M. Paris*, p. 191.

1216.

town of Berwick. John himself set the example to his brutal soldiery, by firing the house in which he had lodged.

Chr. Mel. 190.

Emulating this barbarity, Alexander used reprisals, and wasted the western marches with fire and sword. He had in his army a body of men, to whom the Chronicle of Melros gives the appellation of *Scots*. They burnt the monastery of Holmcultram in Cumberland; near 2000 of them perished in the swellings of Eden. This was interpreted as a judgement, not on account of their indiscriminate ravages, but of their sacrilegious violation of a holy house. In those days the clergy monopolized divine justice.

M. Paris. 108.

Chr. Mel. 191.

Alexander retreated home, chastised the undisciplined *Scots*, and dismissed them from his army; he then re-entered England, took possession of the town of Carlisle, [8th August,] and marched southwards to join Lewis the son of the French King, whom the patriotic barons had invited over to protect the liberties of England. Alexander, in his march, assaulted Bernard-castle, the seat of the Balliol family; Eustace de Vesci was slain there.

M. Paris. 109.

Chr. Mel. 191.

It is said, that Alexander did homage to Lewis, as the English barons had done. Lewis made oath, that he would not conclude a separate peace; an oath which probably he meant not to observe, and which certainly he did not.

M. Par. 199.

John, equally detested and contemned by all, ended his miserable life*, [17th October, the day after the festival of St Luke.]

Chr. Mel. 192.

Ford. ix. 31.

John had left England under the protection of the Papal see: This measure, however humiliating, had important consequences. Hence Gualo, the Pope's legate, excommunicated Lewis, the King of Scots, his whole army, and the whole kingdom of Scotland. So little

* Of him a rhymist of that age says, *Foedatur Johanne Gehenna*; *M. Paris*, p. 199: 'Hell is defiled by John.' The expression is horribly emphatical;

1216.

tle was this sentence regarded in Scotland, that almost a twelvemonth passed before its publication.

1217.

Alexander unsuccessfully besieged the castle of Carlisle.

Chr. Mel. 194.

At Lincoln, [25th May,] the army of Lewis was dishonourably routed. Lewis made peace, forgetful of his ally the King of Scots. He was released from excommunication, after having done penance by walking barefooted to the Legate's tent, in presence of both armies. The Church excelled in every sort of pageant; but none was more striking than the pageant of absolution.

M. Par. 204.

Alexander, while on his march into England, heard of this treaty and retired.

Chr. Mel. 195.

Henry III. complained to Pope Honorius III. 'That the canons of Carlisle, *regular only in name*, adhered to Alexander the excommunicated enemy of Rome; and had, at his request, elected an excommunicated person for their bishop *.'

Foed. i. 218.

Alexander, deserted by his French ally, was constrained to seek reconciliation with the see of Rome. Having procured a safe conduct from Henry III. † he met the Archbishop of York and the Bishop of Durham, delegates of Gualo, at Tweedmouth, on the utmost verge of England, and received absolution from them, [1st December.] Some days after, the delegates performed the ceremony of pardoning Ermengarde, the Queen-Dowager, who had been involved in the national guilt. Alexander yielded up the town of Carlisle to the English. This was probably the price of his reconciliation; nor was the price

Foed. i. 224.

Chr. Mel. 195.

Ford. ix. 31.

A safe conduct for the king of Scotland returning to his own country lasting for six weeks is dated Nithamp. 12 Dec.

Rot. Pat. 2. Hen. iii.

Boece, xiii.

281. b.

great;

* The Pope says, 'That Carlisle was situated on the confines of Scotland.' 'Cum sita sit in confinio regni *Scotiae*;' *Foedera*, T. i. p. 218. Herein the English geography sometimes varies.

† To this instrument the seal of the Earl Marshall was appended; 'because as yet the King had no seal.' *The safe conduct according to the patent rolls is for him coming to do homage.*

1217.

great; for he never could master the *Castle*. He did homage for the earldom of Huntington, and for whatever else his predecessors held of the English crown.

1218.

Ford. ix. 32.
33.

Mean while Gualo and his delegates made a dishonourable traffic of special absolutions. The Scottish clergy, weary of this expence, sent a delegation of three Bishops to the court of Rome, professed their penitence, and easily obtained pardon. 'He must have a tender conscience,' said a Cardinal, in their hearing, 'who confesses a *crime*, 'when he has not been guilty of an *offence* *.'

Foed. i. 227.

Pope Honorius did more: He confirmed the liberties of the Scottish church. For this favour, one of the causes mentioned is, 'the respect 'and obedience which Alexander had manifested to the papal see:'. And yet he had recently escaped the flames of excommunication! The Pope either meant to avail himself of his great privilege of *erring in fact*, or tacitly to censure the precipitancy of his legate.

1219.

Foed. i. 228.
374.

Matters having been thus adjusted with the Pope, it was agreed, that the controversies still subsisting between Henry and Alexander should be heard by Pandolph the Papal legate: Nevertheless, they remained without determination till 1237.

Ford. ix. 27.

David Earl of Huntington, brother of William the Lion, died in England †. He was succeeded by his only surviving son, afterwards known by the name of *John the Scot, Earl of Chester*. The daughters

* 'Piarum mentium est *crimen* agnoscere, ubi ne quidem *culpa* reperitur;' *Fordun*, L. ix. c. 33.

† He held, by a grant from his brother William, the earldoms of Garioch and Lennox, the lordship of Strathbolgie, the town of Dundee, together with the lands of Innerbervie, Lindoris, Longforgrond, and Inchmartin; *Fordun*, L. ix. c. 27. c. 33.

Pat. Pat. 5 Hen. III in tergo m. 5. Dat. 20 June 1221

9 in Foedera

Alexander Dei gratia rex Scottorum omnibus presentem cartam inspecturis
salutem. Noveritis quod Johannem primogenitum sorori domini R.

illustris regis Anglia sponsa nostra dilecta concessimus in dotarium has terras

Pat. Pat. 3 Hen. III. m. 2. Dated 21 July 1219.

encin

De procuratoribus domini regis constitutis.

Venerabili patri in Christo .P., Dei gratia. Norwic electo, domini pape etc.

R. eadem gratia rex Anglia etc., salutem in auctore salutis. Noverit

primitas vestra quod procuratores constituimus magistrum Alanum

de Lenn archidiaconum Northumbria, magistrum Thomam de Lichef,

et Stephanum de Segrave militem, ad controversias et causas que ~~ad~~ verti

Aug.] debent inter nos et R. regem Scotiae coram vobis in crastino sancti

Petri ad vincula apud Norham, ut si non admittantur tanquam

veri procuratores de auctoritate consilii nostri, eosdem admitti volumus

ut actores, ita quod si omnes controversias et causas illis interesse non

possint, duo vel unus eorum procuracionem illam nichilominus

exequatur. Ratum et gratum habituri quicquid per eos, vel duos, aut

unum eorum, sub auctoritate vestra super praemissis fuerit ordinatum

ad diem illum ^{judicatum} ~~in diem~~ etiam ~~etiam~~ solvi si necesse fuerit promittimus

et hoc idem parti adverse significamus. Teste R. de Burgo

justiciario apud Westm. xxj. die Julii

litteras nostras patentes

observanda per presentes litteras nostras heredibus nostris obligamus Testibus

Willelmo episcopo Sancti Andrea Wattero episcopo Glascuensi Willelmo de Bosch

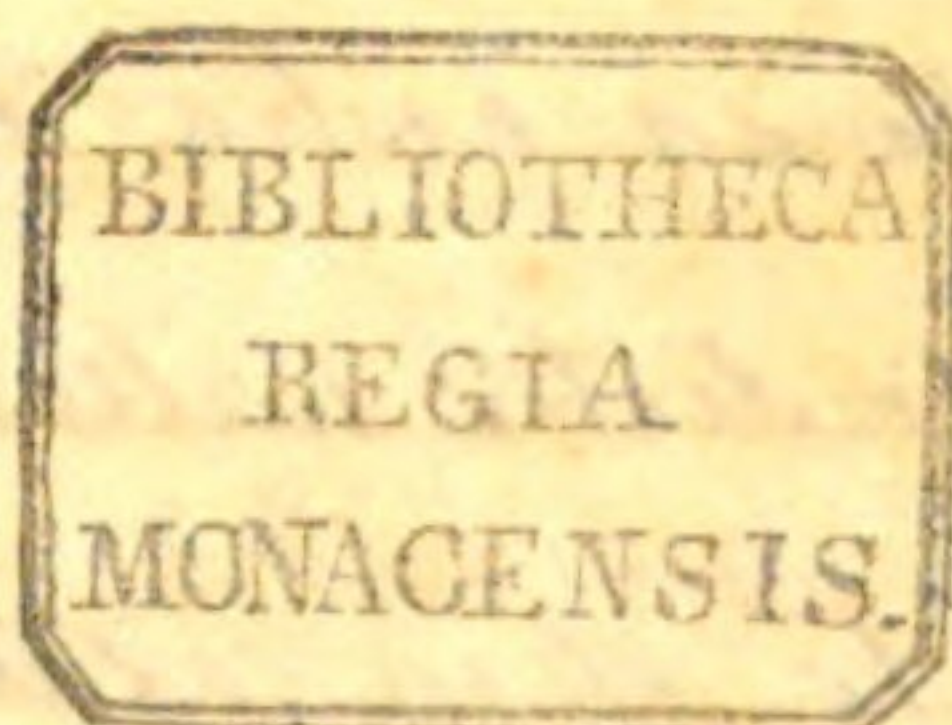
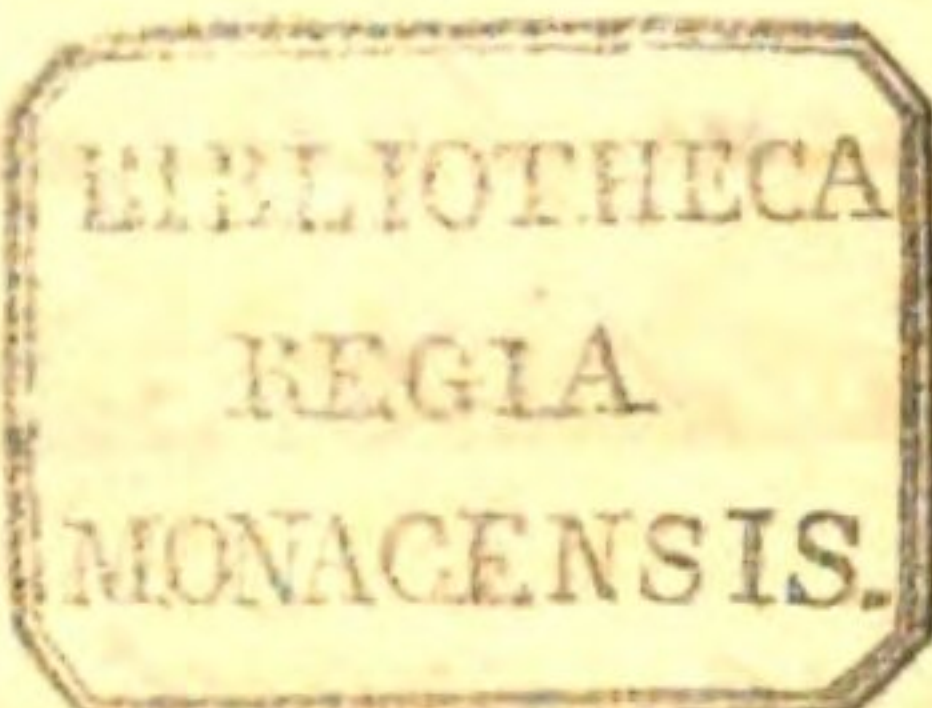
cancellario Th. priore de Coldingham Com. Patricio Willelmo Cumien comite

de Buchh justiciario Scotia Roberto de Lond' Waltero filio Mani senescallo

Roberto de Bruse Waltero Blifarde justiciario Laodon Engelr de Baill' Ph'

de Mobrai Henrico de Baill' Johanne de Macculwel' Actum apud Eboracum

anno gracia millesimo ~~tercio~~ ducentesimo vicesimo primo xviii die Junii.



1219.

daughters of David were, 1. Margaret, married to Alan of Galloway.
2. Isabella, to Robert Bruce. 3. Ada, to Henry de Hastings.

While John King of England was in Poictou, he delivered his eldest daughter Joan, yet an infant, to Hugh de Lusignan son of the Count de la Marche. Lusignan bound himself, by oath, to marry her. Yet, as soon as the opportunity offered, he married her mother, with whom he had an ancient engagement. He still detained the Princess, in hope, as the English historians pretend, of obtaining a ransom for her.

Foed. i. 242.

R. Hen. 803.

Henry promised, if his sister Joan was restored, to give her in marriage to Alexander, if not, to give Isabella, his younger sister.

Foed. i. 240.

See Rot. Pat. 4 Hen. iii.

He also promised, within a year, either to procure suitable matches for Margaret and Isabella, the sisters of Alexander, or to return them to Scotland. In 1221, he bestowed Margaret on the celebrated Hubert de Burgh justiciary of England. In 1225, he bestowed, if I mistake not, Isabella on Roger the eldest son of Hugh Earl Bigot.

Foed. i. 240.

Ford. ix. 31.

Chr. Mel. 198.

Foed. i. 278.

Alexander bound himself, by oath, to marry Joan, if she could be obtained; if not, to marry Isabella *.

Foed. i. 241.

is stated by him to be from an original in the Tower, the patent roll 4 Hen. III. m. 5 contains another document upon the same subject, but differently worded. See Prymke III. 57.

Henry implored the Pope and the college of Cardinals, that Lusignan might be compelled by ecclesiastical censures to render up the Princess: He besought, he threatened Lusignan, and at length prevailed.

Foed. i. 248.

1221.

Alexander married Joan Princess of England, [25th June.]

M. Par. 216.

The Princess was secured in a jointure of L. 1000 land-rent †.

Foed. i. 252.

Soon

* 'David Senescallus' is one of his guarantees; *Foedera*, T. i. p. 241. I believe that this person has escaped the industrious searches of our genealogists.

† 'Pro millibus libratis terrae;' *Foedera*, T. i. p. 252. The jointure-lands were Jeddewurth, Lessedwin, Kyngor, and Carel, [Jedburgh, Lessudden, Kinghorn, and Crail.] There is reason to suspect, that the jointure-lands fell far short of their supposed value; and, accordingly, any deficiencies were to be made good out of the castles and

1222.

Ford. ix. 34.

Soon after this there was an insurrection in Argyle. The King led an army thither: The natives purchased forgiveness, and gave hostages. Some of their leaders fled from the King's resentment: He distributed their lands among his followers.

Chr. Mel. 199.

Adam Bishop of Caithness, a rigorous exacter of Tithes, was assaulted in his episcopal residence by the men of his diocese, and burnt

Ford. ix. 37.

alive. The Earl of Orkney and Caithness was supposed to have connived at this murder; for, when the Bishop sent to implore his aid, he made answer, 'Let the Bishop come to me, and I will protect him.' The chronicle of Melros considers the Bishop as a martyr, because he preferred death to any relaxation of the rigour of justice in levying his canonical dues.

*Ford. ix. 37.**Boece, xiii.*

282. b.

The King was on a journey to England, when he heard of this murder. He instantly repaired to Caithness, and executed severe justice on the offenders. It is said, that he put no fewer than 400 of them to death, and emasculated their children, that the race of such miscreants might be utterly extinguished. I wish, and presume, that there may be some monastic exaggeration in the last part of the story. Alexander deprived the Earl of Caithness of his estate; but afterwards permitted him to redeem it*.

Alexander

and castellanys of Air, Ruglen, Lanerk, and the rents of Clydesdale. Kinghorn and Crail were, at that time, part of the jointure-lands of the Queen-dowager.

* There is an obscurity in our histories, concerning the Earls of Caithness, which I am not able to dispell. It is the opinion generally received, that Alexander II. granted the earldom of Caithness to *Magnus* second son of Gillibride, Earl of Angus, in 1222. This is scarcely consistent with the story which I have just now related. The only solution of the difficulty which occurs to me is this: That Harald Earl of Caithness had forfeited in the reign of William the Lion: That the crown had divided the estate, and given South-Caithness or Sutherland to William Fresekin [sheriff of Inverness in 1204, *Caland. of Ancient Charters*, p. 337.] and North Caithness to a younger son of the family of

1224.

Alexander levied an aid of L. 10,000, for providing portions to his sisters. 'According to the general custom, all lands, appropriated to pious uses, were exempted from the burden of this aid *.'

1225.

Pope Honorius IV. authorised the Scottish Bishops to hold a provincial council, because they had no metropolitan who might appoint them to assemble. This seems to have been occasioned by the reluctance which the Scots expressed, about that time, at receiving a Legate from Rome. It would appear that the permission for holding a council was temporary: Nevertheless, the Scottish Prelates sagaciously took advantage of its ambiguous stile, considered it as of perpetual authority, and, under its sanction, held frequent provincial councils, without the interposition or consent of the Pope †.

1228. 1229.

One Gillescop disturbed the peace of the north; he burnt some wooden castles in Moray, surprised, and slew a Baron, called Thomas of Thirlstane

of Angus; but that the old family retained possession, whereby the grants remained, for a season, ineffectual. I offer this as a conjecture in a matter very dark and of little moment.

* 'Imposuit auxilium terrae suae decem millia librarum, ad maritandum suas sorores, de quo auxilio liberae erant eleemosinae, quae eatenus non consueverant dare auxilium;' *Fordun*, L. ix. c. 43. Here is plainly an aid granted out of lands, and it is not mentioned as a new practice; so that there must have been an *extent* before the year 1224.

† 'Quatenus cum metropolitanum noscamini non habere, auctoritate nostrâ concilium celebretis;' 14. Kal. Jun. 1225. See *Historical memorials, concerning the provincial councils in Scotland*, p. 11.

1228. 1229.

Thirlstane *. He afterwards fired Inverness, and spoiled the crown-lands in that neighbourhood. The King went against him in person, but without success. Next year, the Earl of Buchan, justiciary of Scotland, was more fortunate; supported by his numerous followers, he slew Gillescop † and his two sons.

1230.

M. Par. 250. Henry III. invited Alexander to Yorke, where he celebrated Christmas, entertained him in great state, and loaded him with presents. 'A prodigal liberality,' says M. Paris. It was rather a politic expence: For, between sovereign and sovereign, the *receiver* of presents tacitly acknowledges some pre-eminence in the *giver*.

1231.

Chr. Mel. 201. The Earl of Orkney and Caithness was murdered in his own house by his servants, and afterwards burnt. This was a studied retaliation for the murder of the Bishop of Caithness in 1222, of which the Earl was held a partaker.

1233.

Foed. i. 328. The Archbishop of York resolved to assert his right of officiating at the coronation of the Scottish Kings. Henry gave an ill-timed approbation of this ill-timed claim.

Chr. Mel. 201.

* The foundation charter is printed in Dugdale's *Monasticon* ii. 1056 ed. 1661, from a copy furnished by Sir James Balfour. It speaks of queen Ermengarde in such a way as to lead us to suppose that she was dead at the period of its foundation.

Ermengarde, the widow of William the Lyon, died in a venerable old age, with a fair fame. She was interred at the monastery of St Edward of Balmurinach [or Balmerino] which she had founded.*

Dervorguil,

* 'Occidit quendam latronem [i. baronem,] nomine Thomas de Thirlstane, nocte improviso munitionem ejus invadens;' *Fordun*, L. ix. c. 47. It is a pleasant mistake of the transcriber who wrote *latronem* instead of *baronem*.

† He is probably the same person who is termed Gillescop M'Scolane in *Stat. Alex.* II. c. 17.

1233.

Dervorguil*, the daughter of Alan Lord of Galloway, married *Cbr. Mel. 201.*
John de Balliol Lord of Bernard castle.

Alan Lord of Galloway, constable of Scotland, died, leaving three *Cbr. Mel. 201.*
daughters, co-heiresses. 1st, Helen the wife of Roger de Quinci, Earl *202. M. Pa-*

of Winchester; 2d, Dervorguil the wife of John de Balliol Lord of
Bernard castle; 3d, Christian the wife of William des Forts, son of the *de Fortibus*

Earl of Albemarle. Dervorguil and Christian were the issue of his *M. Paris may be consulted for*
marriage with Margaret daughter of David Earl of Huntington †. *some curious illustrations of the*
range barbarism of the inhabitants
of Galloway.

The natives of Galloway were unwilling to have their country par-
celled out to various Lords; and, therefore, they requested Alexander
to assume the lordship, in prejudice of the right heirs of Alan. The
King, preferring justice to ambition, rejected their request.

They

* This lady's name is strangely diversified by historians. Dornagilla, Derveguldís,
Dervagulda, Dervogilla, are some of the variations of it. Edward I. when summoning
her to the Welsh wars in 1276, calls her 'Dervergoyll de Balliol;' *Foedera*, T. ii.
p. 76. She is called Denergulla de Gallwayth, about 1900 Edward I. *Calendars of*
antient charters, p. 108. In her foundation-grant of Balliol college, she calls herself
Dervorguil; *Balliofergus*, p. 25. The inscription on her seal runs thus, *S. Dervorgille*
de Balliol filie Alani de Galewad. See *Balliofergus*, p. 4.

† The *Chronicle of Melros*, p. 201. and *Fordun*, L. ix. c. 48. expressly say, that He-
len, Countess of Winchester, was the eldest sister. Accordingly, we find that her
husband held the office of constable. It is certain, that she had children: 1. Eliza-
beth the wife of Alexander Comyn Earl of Buchan, constable between 1264 and 1270;
2. Margaret the wife of William de Ferreriis Earl of Derby; 3. Ela the wife of Alan
la Zouche. It is certain, that none of her descendants laid claim to the crown of Scot-
land after the death of the Maiden of Norway. Hence, it may be concluded, that the
Countess of Winchester was the daughter of Alan of Galloway, by a former marriage,
and had no connection with the Royal family. Alan of Galloway, after the death of
Margaret of Scotland, married, in 1228, a daughter of Hugh de Lacy; *Fordun*, L. ix.
c. 47.

1233.

Andrew Win-
ton, MS. Ad-
vocates libr.
Ford. ix. 48.

They next requested, that Thomas, the bastard son of Alan, might be appointed their Lord. This also having been denied, they broke out into open rebellion. Headed by the bastard, and Gilroth, an Irish chief, they burst into Scotland with merciless fury. Alexander led an army against them; he was intangled amid morasses, and in imminent hazard. Ferquhard Earl of Ross * extricated him, by assaulting the rebels in the rear. They were discomfited with great slaughter. The survivors sought and obtained the King's mercy. Alexander restored Galloway to the heirs of Alan. The bastard and Gilroth escaped into Ireland. Next Year, they returned with Irish auxiliaries. Gilroth, at landing, burnt his vessels, as if resolved to conquer or die; yet he surrendered himself to the Earl of March without resistance. Both he and the bastard were pardoned. His wretched Irishmen straggled towards the Clyde, in hopes of discovering a passage home. The citizens of Glasgow rose in arms, and beheaded them all but two, whom they sent to be hanged and quartered at Edinburgh.

1234.

Ford. i. 334.
335.

At the request of Henry, Pope Gregory IX. exhorted Alexander to perform the conditions of the old treaty between Henry II. and William the Lion. A strange request, and an exhortation no less strange! It seems that Henry was willing to forget, and that the Pope knew not the instrument of restitution granted by Richard I.

1235.

Chr. Mel. 203.

Marjory, sister of the King of Scots, married Gilbert Earl Marshal of England at Berwick.

Henry

* In the *Chronicle of Melros*, he is called *Comes Rossensis Machentagard*; but, in most of the MSS. of *Fordun*, *Thomas Rossen. Machentagard*; so that the name and quality of this warrior are uncertain.

Pro regina Scottorum

Rex dedit et concessit et carta sua confirmavit Johanna, regina Scottorum, manerium de Driffelde cum pertinenciis habendum tota vita sua, cum omnibus libertatibus et liberis consuetudinibus ad illud manerium pertinentibus sicut plenius continetur in carta quam dominus rex ei fieri fecit; et mandatum est militibus, liberis hominibus et aliis tenentibus de honore de Driffelde, quod eidem regina vel certo nuncio suo litteras suas patentes deferenti in omnibus que ad predictum manerium pertinent nomine ipsius regine intendentes in ~~scilicet~~ et respondentes. Teste rege apud Eboracum xx die Septembris.

Rot. Cancellar. an. 18 Hen. III.

Northumb'land

[Brian^o fil. Alani r. op] in victualibus emptis & portis in
castris R^o ci^o battie & in gente ibid tenenda & in aliis
neccis in qⁱ b^z sibi p^ouidit 9^a aduentu R^o fecit usuf
ptes illas. c. ti. p^o bre R^o

1236.

Henry and Alexander had an interview at Newcastle*. Henry bestowed the Manor of Driffeld, on the Queen of Scots, for life. At another time, he bestowed on her the Manor of Staunton.

*Chr. Mel. 203.
Foed. i. 370. 1. 221.
379.*

1237.

John, the Scot, Earl of Chester, died [25th June] without issue.

"circa pentecosten" M. Paris, 301.

*A. Burt. 290. M. Paris 301, says that
Knyghton 379. He was poisoned by his
wife, daughter of Leslie, prince of Wales.*

An agreement was concluded between Henry and Alexander, through the mediation of Eudes le Blanc L'Aleran, Cardinal-deacon, the Pope's Legate, [at York, towards the end of September.] 1. Alexander claimed the counties of Northumberland, Cumberland, and Westmoreland, in right of inheritance. 2. He demanded satisfaction for 15000 merks, paid, as he contended, to John King of England by William King of Scots, under condition, that Henry and Richard, the sons of John, should marry Margaret and Isabella, the daughters of William, which condition had not been performed. 3. He mentioned a treaty, by which Henry had become bound to marry Marjory, another daughter of William.

*Foed. i. 374. 1. 233
400. M. Paris, 305.*

Henry offered to settle, on Alexander, lands in Northumberland and Cumberland, of the yearly value of two hundred pounds in full of all claims†. To this Alexander consented, did homage to Henry for the equivalent, and swore fealty to him. At the desire of Alexander, the Earls of Fife and Menteth, and many more of the principal Barons

* Alexander II. and Alexander III. made frequent visits to the English court. I make mention of such visits only as are distinguished by some circumstance relative to history or manners.

† From a charter among the records of England, of which I have a copy, it appears that Henry III. granted to Alexander the manors of Langwatheby, Salekild, Scotteby, Soureby, Carlaton, and sixty pounds out of the manor of Paindred.

1237.

rons of Scotland, became bound, by oath, to maintain this agreement.

Chr. Mel. 203.
204.

The Queen of Scots, declining in her health *, vainly sought relief at the shrine of Thomas à Becket. She expired in the arms of her two brothers, 4th March 1237-8.

1239.

Chr. Mel. 204.

Alexander married Mary daughter of Ingelram de Couci, a great Lord in Picardy, [at Rokesburgh, 15th May.]

M. Par. 555.

Mary de Couci was provided in a *third* of the royal revenues. This third amounted to upwards of 4000 merks. M. Paris esteems it an ample provision.

M. Par. 330.

Edward, the son of Henry III. was born, [18th June]; the Papal legate, although not in priest's orders, baptized him. It seems that, in the church of Rome, this is no irregularity †.

M. Par. Ad-
dit. 99.

In this year, Hubert de Burgh, the great minister of England, was accused of various misdemeanours. One of the charges against him is connected with the history of Scotland. It was urged, 'That, whereas William ' King of Scots had delivered two of his daughters to John King of Eng- ' land, under condition, that the eldest should be married to Henry Prince ' of

* *Boece*, who was a physician, says, 'Ex putrefacto jam longo tempore utero;' L. xiii. fol. 284. b. Henry permitted her to bequeath, by testament, the rents and profits of the manors of Staunton and Driffeld, from Michaelmas 1238, to Martinmas 1240. He had granted these manors to her for her life; *Foedera*, T. i. p. 379. 21st February 1237-8.

† The Bishop of Carlisle catechised him in his cradle, 'Infantem catechisavit;' *M. Paris*, p. 330. What was the infantine creed of Edward I. we know not; when of maturer years, he believed with Julius Caesar, *Cicero de officiis*, L. iii.

— 'Si violandum est jus imperii gratiâ
'Violandum est.'

Et Petro Grimbaud ad expensas Regine scocie. c. li.

Et Johi de Vallibz senescall Regi scocie. xiiii. li. & j.
m ad se sustentand in infirmitate sua

Et Rob de fabloyl. x li. de dono

Et Bernardo de fabaudia militi regine ad pat emendos
& ad sustentatoem suam & ad eundem usum ptes suas. xl.
m. de dono.

Et de uno pari peluicū de don regin scoc

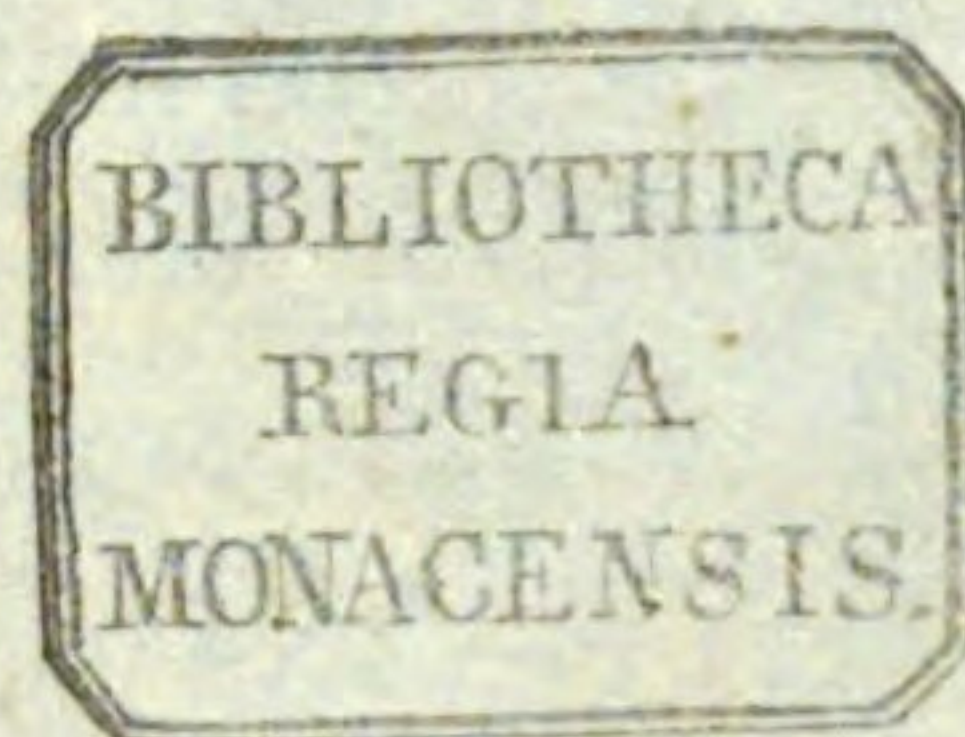
It r^o q^o de. xix garland aureis cū lapidibz recept de eod
W. sic q^o ibid & q^o bz i dono Regi scot. j. garland.

Et i cap Regi scot p^ot receptū suū a cur. c & x. libr. &
di.

Et i xvj. pannis cericis de arista emptis & libat Petro Grimbalot
ad offerend cū corpe Regine scot sororis R^o p^ociū panni. xj. sol
vj. d. 1x. li. iiii. sol.

Et i q^o tuor pannis cericis libat eod Petro fimitr ad offerend cū
eod corpe. p^ociū panni. xj. s. xl iiii. sol.

Et in sex pannis sericis auro textis libatis eod. P. ad offerend
ecclesiis cathedralibz & abbas cū eod corpe p^ociū panni xxxv. s.
x li. x. s.



1239.

‘ of England; or, in the event of his death, to Richard Earl of Cornwall;
 ‘ and, as marriage-portions with them, had paid 15000 marks, and had
 ‘ renounced his claims to the three northern counties; yet, that Hu-
 ‘ bert himself had taken her to wife, while Henry was under age, and
 ‘ incapable of solemnizing marriage: That, in consequence of this,
 ‘ Henry had been obliged to compound with the King of Scots for
 ‘ breach of treaty, by settling lands on him to the yearly amount of
 ‘ two hundred pounds.’

The defence made by Hubert was, ‘ *That he knew nothing of any*
 ‘ *treaty for marrying the Princess of Scotland to Henry or Richard:* That
 ‘ the treaty bore, that the Princesses should be bestowed in marriage by
 ‘ the King of England, with the approbation of his nobility: That ac-
 ‘ cordingly, the eldest was so bestowed in marriage on him, Hubert. For
 ‘ this, he appealed to public instruments, under the hands and seals of
 ‘ Pandolph the Pope’s Legate, of the Archbishop of Canterbury, the Bi-
 ‘ shops, Earls, and Barons of England.’ He added, ‘ That such trea-
 ‘ ty, had it indeed existed, would have been no bar to the marriage;
 ‘ for that Henry himself was then of an age to marry the Princess,
 ‘ had he been so inclined.’ This was *legally* true; for Henry, at that
 time, had attained to the age of fourteen.

If the controverted article existed, we must admire the effrontery of Hubert; if not, the ignorance or malice of his accusers.

Eudes le Blanc L’Aleran, the Cardinal Legate, came into Scotland, *M. Par. 336.*
 and held a provincial council at Edinburgh. Alexander strenuously
 opposed this visitation. To receive a Legate, whose original commis-
 sion respected England alone, might have been interpreted in a sense
 prejudicial to the independency of the Scottish church. It is reported,
 that Alexander consented to his admission, at the joint request of the
 nobility of both kingdoms, and that he insisted for, and obtained a
 written declaration from the Legate, that this should not be drawn into

1239.

precedent. Certain it is, that the Legate proceeded not beyond Edinburgh, and that Alexander avoided his presence.

The Legate, says M. Paris, sojourned in the principal towns on this side the sea *, and having collected a large sum of money, secretly, and without leave asked, he departed from Scotland.

Bulla Greg. ix.
ap. Od. Rai-
nald. ann.
1337. & 40.

Such was the magnanimity of Alexander II. that the high-spirited Pontiff, Gregory IX. submitted to soothe him by a detail of specious and affected reasons, tending to evince the propriety of a legation in Scotland. 'The church of Scotland,' says that Pope, 'acknowledges the Romish see as her immediate mother in things spiritual. To leave her destitute of the consolation of a Legate from us, would be an indignity which we cannot in conscience allow. Were we, by our Legate, to visit the church of England, and yet neglect the neighbouring church of Scotland, she might think us destitute of maternal affection †.'

1241.

Wednesday

Chr. Mel. 206.

A son was born to Alexander at Rokesburgh [4th Sept.] and named *Alexander*.

1242.

Æd. i. 400.

In consequence of the treaty of York [1237,] Henry assigned to Alexander a rent of two hundred pounds Sterling, out of the three northern counties.

Purposing

* 'Mare non tranfit; sed in bonis civitatibus commorans cismarinis, vocavit episcopos et nobiles terrae beneficiatos;' *M. Paris*, p. 336. By *Mare*, is meant, according to the language of those times, *Mare Scotticum*, or the Frith of Forth. *Bonæ civitates*, a translation of *bonnes villes*, is a Gallicism.

† 'Ne a nobis affectione maternâ spoliari se crederet.' The expression is singular; it was when a Legate *did* visit Scotland, that the church of Scotland 'affectione maternâ se spoliata credidit.'

1242.

Purposing to go beyond seas, he confided to Alexander the care of the northern borders. This confidence does honour to both Kings. *M. Par. 395.*

This year produced an event remarkable in its nature and consequences. Henry Earl of Athole had issue, two daughters, Isabel and Fernelith. Isabel, the elder, married Thomas of Galloway, brother of Alan Lord of Galloway. Fernelith, the younger, married David de Hastings. Patrick the only child of Isabel was a youth of distinguished accomplishments, in the opinion of that age. At a tourneament on the English borders, he chanced to overthrow W. Bisset. Hence a fatal animosity arose; the Earl of Athole was murdered at Hadington. That the murder might be concealed, the assassins fired the house in which he lodged. The suspicion fell on Bisset *. The Scottish nobility flew to arms and fought his life. They were led by Patrick Earl of March, in that age the most powerful of the southern Barons; they were excited to vengeance by David de Hastings, who had married the aunt and heir of Athole. *Chart. Dunf. MSS. 82. Fordun, ix. 48. M. Par. 397.*

Bisset, in order to justify himself, procured sentence of excommunication against all the murderers to be published, not only in his own chapel, but in all the churches of the kingdom. He demanded the protection of the King; he urged, that he was 50 miles distant from Hadington at the time of the murder; and he offered to maintain his innocence by single combat. The young Queen offered to make oath, 'That Bisset had never devised a crime so enormous †.' A trial by jury

* Authors differ as to the supposed chief of the conspirators. *Fordun* says, it was *Walter*; others, *William* his nephew. If *Walter*, he was probably the uncle of the Earl of Athole, married to the sister of Thomas of Galloway; *Chr. Melros.* ad ann. 1231. The Chronicle of Melros calls the younger Bisset, *John*. These discrepancies, however, affect not the story itself.

† 'Regina juramentum praestare parata fuit, quod nunquam dictus Dominus W. tantum nefas attemptare disposuit;' *Fordun*, L. ix. c. 59.

1242.

jury was allowed: But he rejected it, 'on account of the malevolence
' of the people, and the implacable resentment of his enemies.'

All that the King could obtain in favour of Bisset, was, that he should forfeit his estates, and be banished from Scotland. Still his accusers secretly sought to slay him. During no less than three months, the King concealed him in retreats inaccessible to their vengeance. Bisset, escaping into England, ungratefully sought to embroil the two nations in his own quarrel; he pretended, 'That Alexander, being the
' vassal of Henry, had no right to inflict such punishments on his nobles, without the permission of his liege Lord.' He added, with equal meanness, though, perhaps, with more truth, 'That Geoffry de
' Marais, a traitor who had escaped from prison in England, was received and protected at the court of Alexander.' Again appealing to his sword, in proof of his innocence, he made a vow, 'for the salvation of Athole's soul and his own, *to repair to the Holy Land and
' never to return.'* A singular vow to be made by one whose conscience was clear!

It is unnecessary to add, that the kindred of Bisset were involved in his ruin.

1244.

M. Par. 432. Jealousies now arose between the two nations. Mary de Couci, of a family unfavourable to England, was suspected to have a dangerous influence over her husband Alexander. It was reported to Henry, that Alexander had said, 'That he owed no homage to England for
' any part of his territories, and would perform none.' Henry secretly applied for succours from the Earl of Flanders, and instigated no
Feod. i. 426. fewer than *twenty-two* Irish chiefs to invade Scotland; intercepted
M. Par. 432. the troops sent to the aid of Alexander, by John de Couci, his brother-in-law; assembled a numerous army at Newcastle, and prepared
M. Par. 436. to invade Scotland. The pretexts for this rupture were, 'That Alexander had leagued himself with France, and had afforded an asylum
' to

1244.

‘to Geoffry de Marais, and other English offenders.’ This was Bisset’s charge; ‘That Walter Comyn Earl of Menteth had given umbrage to England, by erecting two castles, the one in Galloway, the other in Lothian *.’

The description which M. Paris gives of the Scottish army, deserves to be remembered. ‘Alexander,’ says he, ‘was a devout, upright, and courteous person, justly beloved by all the English nation, no less than by his own subjects.’ His army was numerous and brave; ‘he had 1000 horsemen tolerably mounted, though not indeed on Spanish or Italian horses: His infantry approached to 100,000, all unanimous, all animated by the exhortations of their clergy, and by confession, courageously to fight and resolutely to die in the just defence of their native land.’

By the mediation of Richard Earl of Cornwall, and the rest of the English nobility, a peace was concluded [at Newcastle.] Alexander *Foed. i. 429.* became engaged to live in amity with England, and never to aid her enemies, unless the English should do him wrong †.

1245.

Pope Innocent IV. issued an order, ‘That the papal delegates for *Foed. i. 438.* trying Scottish ecclesiastical causes should hold their sittings, either within Scotland, or within the dioceses of Carlisle and Durham, but never within the diocese of York.’ The meaning of this was, that the Archbishop of York might not, from being frequently the Pope’s delegate, revive the ancient and contested claim of his see to clerical obedience in Scotland.

1247.

Roger de Quinci, Earl of Winchester, who had married one of the *M. Par. 496.* co-heiresses of Alan Lord of Galloway, was suddenly besieged in his castle

* From *Fordun*, L. ix. c. 61. it appears, that one of the castles was that called *the Hermitage* in Liddesdale.

† ‘Nisi nos injustè gravent;’ *Foedera*, T. i. p. 429.

1247.

castle by his vassals, whom his oppressions had exasperated. Armed, at all points, he sallied forth, cut a passage through the enemy, and instantly fought redress from Alexander. Alexander chastised the insurgents, and re-instated the Earl of Winchester.

1249.

M. Par. 515.
516.
Gbr. Mel. 219.
Ford. ix. 63.

Angus of Argyle had been wont to do homage to the King of Norway for certain islands. Alexander required *that* homage to be done to himself, and, it being denied, he resolved to force it *. While engaged in this enterprise, he was seized with a burning fever, and died in the island of Kerarry †, near the fount of Mull, [8th July,] in the 51st year of his age, and 35th of his reign.

His body was conveyed to the abbey of Melros ‡. His dust is now mingled with the dust of many a heroic Douglas.

Alexander II. was one of the wisest princes that ever reigned over Scotland. Steadiness and magnanimity are the striking features of his character.

The statutes of Alexander, twenty-five in number, have been published

* It appears from the chartulary of Aberbrothock, vol. i. fol. 23. that, in the preceding year, Alexander had marched an army into Argyle: ‘Dominus Rex habuit exercitum cum eo in Ergadia, an. Dom. 1248.’ It is probable, that this expedition proved unsuccessful, although history has recorded no circumstances concerning it.

† ‘Erray, namit by the Erische Ellan Erray, ane iyle of halffe myle large and halffe myle braid, guid main land, inhabit and manurit, fruitfull of corne and pastorage, with abundance of Fischeing;’ *Archdean Monro*, p. 19.

‡ It is generally supposed, that the large marble stone still to be seen at the abbey of Melros is the monument of Alexander II. Mr *Miln*, *Description of the parish of Melros*, p. 9. conjectures, that it is placed over the body of Waldeve, esteemed a saint by the Romish church. This Waldeve was the son of the Queen of David I. He is called the uncle of Malcolm IV. in the Chronicle of Melros; hence Mr *Miln* erroneously concludes, p. 23. that he was the son of David I.

1249.

blished by Skene *. There are several of them that require a commentary.

Alexander had a particular kindness for the mendicant friars of the order of St Dominic, called with us *the black friars*: For them he founded no fewer than eight monasteries, at Edinburgh, Berwick, Air, Perth, Aberdeen, Elgin, Stirling, and Inverness. Boece supposes that Alexander saw Dominic in France, about the year 1217; the sight of a *living saint* may have made an impression on his young mind: But perhaps he considered the mendicant friars as the cheapest ecclesiastics: His revenues could not supply the costly institution of Cisterians and canons regular, in which his great-grandfather David I. took delight.

Spots. religious houses, 15.

Boece, xiii. 283. b.

ALEXANDER

* In some ancient MSS. certain statutes are ascribed to David I. which Skene, on the authority of other MSS. has ascribed to Alexander II. They are these following:

Alexander II. by Skene.					David I. in MSS.
c. 4.	-	-	-	-	c. 31.
c. 5.	-	-	-	-	c. 34.
c. 6.	-	-	-	-	c. 43.
c. 7.	-	-	-	-	c. 33.
c. 8.	-	-	-	-	c. 35.
c. 15.	-	-	-	-	c. 24.
c. 16.	-	-	-	-	c. 22.
c. 19.	-	-	-	-	c. 19.

The MSS. mention particular years in which some statutes were enacted, as 1230, 1244, 1248. This, however, is not of much authority; for the MSS. suppose the first statute to have been enacted in 1212, before the accession of Alexander II.; and another statute to have been enacted in the year of the first coronation of Philip King of France, that is, Philip the August, who had reigned for upwards of 30 years before the accession of Alexander II.

A L E X A N D E R I I I.

Chr. Mel. 219. **A**LEXANDER II. was succeeded by his only son, Alexander III. a child in his eighth year.

Ford. x. 1. Some of the Scottish counsellors objected against the coronation of the young King. They said, 'That the day appointed for that ceremony was unlucky *', and that the King, previous to his coronation, 'ought to receive the order of knighthood.' William Comyn Earl of Menteth overcame the scruples of superstition and chivalry; he represented the hazard of a delay, and proposed, that the Bishop of St Andrew's should perform *both* ceremonies. To this artful proposition all assented, and the infant monarch was placed on the throne of his ancestors, [13th July.]

The coronation-oath was read in *Latin*, and then expounded in *French*.

Ford. i. 463. The danger which the Earl of Menteth apprehended from a delay was this. It appears, that Henry had solicited a mandate from Pope Innocent IV. 'That Alexander, being his liegeman, should not be 'anointed or crowned without his permission.' He also requested a grant of the tenth of the ecclesiastical revenues in Scotland. The Pope honestly and peremptorily rejected both requests; the *first* as derogating from the honour of a sovereign prince; the *second*, as unexampled.

1250.

Ford. x. 3. In this year the form of the Scottish coin was changed, and the cross which

* *Fordun* sagaciously observes, 'That unlucky days are only to be regarded in matters depending upon celestial influences, as the times of sowing seed, felling trees, or letting blood;' L. x. c. i.

1250.

which formerly went no farther than the inner circle, was extended to the circumference.

1251.

It appears, that they who had the management of public affairs at this time, endeavoured, by various methods, to circumscribe the power of the clergy. Pope Innocent IV. took the alarm, and directed a bull to the Bishops of Lincoln, Worcester, and Litchfield, by which he required them to examine into the abuses said to prevail in Scotland; on these delegates, he conferred ample powers of excommunication. It is probable, that this bull was never transmitted to the English Bishops: Certain it is, that no historian makes any mention of it *.

Char. Morav.
i. 30.

Alexander had been betrothed to Margaret the daughter of Henry III. in 1242; their nuptials were celebrated at York, [26th December.]

M. Par. 395.
Annal. Burton, 317.

Her portion was 5000 merks: It will be remembered, that Henry paid 30000 merks to the Emperor Frederick, with his sister Isabella.

Foed. i. 467.
361.

Alexander did homage to Henry for his English possessions. Henry, through mean and shallow policy, demanded homage also for the kingdom of Scotland, according to the usage recorded in many chronicles †. But Alexander, with prudence and resolution superior to his years, made answer, 'That he had been invited to York to marry the Princess of England, not to treat of affairs of state; and that he could not take a step so important without the knowledge and approbation of his parliament.'

M. Par. 554.
555.

Henry

* It is dated in the 8th year of the pontificate of a Pope Innocent. It appears from the bull, that the King of Scots was at that time a minor. The only King of Scots who was a minor in the 8th year of a Pope named Innocent, was Alexander III. He began to reign 1249, aged nine years, and was eleven years old in 1251, the eighth year of the pontificate of Innocent IV. This curious instrument has hitherto remained unknown; I have therefore printed it in the Appendix.

† 'Prout evidenter in chronicis locis multis scribitur;' *M. Paris*, p. 554.

1251.

Henry pretended to have made a discovery of a plot against Alexander: He accused Alan Dureward, [or Oſtiarius*,] juſticiary of Scotland, ‘ For that he and his aſſociates had ſent meſſengers, accompanied
 ‘ with preſents, to the Pope, ſoliciting the legitimation of his daughters by the King’s ſiſter; whereby, in the event of the King’s death,
 ‘ they might ſucceed as lawful heirs of the kingdom of Scotland.’ This dark ſtory is related in the Chronicle of Melros. It is plain, *the King’s ſiſter* muſt have been a baſtard; for Joan of England had no children, and Mary de Couci, married in 1239, could not have had a daughter the mother of children in 1251. Fordun, with more plauſibility, ſays, that Alan Dureward had married a baſtard daughter of Alexander II. and that he had procured her to be legitimated by Robert abbot of Dunfermline, chancellor of Scotland. The event which followed was ſingular; the Chancellor reſigned the ſeals, quitted his
Ford. x. 4.
Chr. Mel. 219. abbey, and aſſumed the habit of a monk at Newbottle. In 1253, Alan Dureward followed Henry into France, and ſerved in his army. He ingratiated himſelf with Henry, and, in his turn, became the accuſer of his enemies.

M. Par. 555. At the York congreſs, Henry undertook to ſend a truſty counſellor into Scotland, who might act in concert with the Scottiſh nobles, as guardian of the young King. Geoffry of Langley, keeper of the royal
M. Par. 571. foreſts, was entrusted with this delicate commiſſion, a man odious in England, from the nature of his office, and ſtill more from the ſeverity with which he diſcharged it. The Scottiſh barons, diſgusted at his inſolence, ſoon expelled him.

1254.

Feod. i. 517. For the aid of the Holy Land, Innocent IV. granted to the King of England a twentieth of the eccleſiaſtical revenues of Scotland during three years. This grant was renewed, in 1255, for one year more.

Simon

* Dureward is alſo called *L’ Huiffier*, which has the ſame ſignification.

1254.

Simon de Mountfort, the great Earl of Leicester, was sent into Scotland, charged with a secret commission from Henry III. The nature of the commission may be conjectured from the transactions of the following year. *Foed. i. 523.*

1255.

At this period *The Comyns* held the principal sway in Scotland*. *M. Par. 609.* Robert de Ros and John de Balliol, two barons of their party, had the name of Regents†.

Their opponents were numerous and mighty. The chief were Patrick Earl of March, Malise Earl of Strathern, Neil Earl of Carrick, Robert de Brus, Alexander the Steward of Scotland, and Alan Dureward. Henry III. espoused the interests of this party. He declared, that he would protect them against the enemies of the King of Scots, and *the gainsayers* of Queen Margaret‡. He, moreover, promised to make no attempt to seize the person, or impair the dignity of the King, and that he would never consent to the dissolution of his marriage with the Queen. What obliged Henry to make such a declaration is unknown. *Foed. i. 559.*

He dispatched Richard de Clare Earl of Gloucester, and John Maunsel, to Scotland, under pretence of inquiring into the condition of the Scottish Queen, but, in truth, to counsel the discontented nobles, and to forward their enterprise. *M. Par. 610.* *Foed. i. 558.*

Many were the grievances of the young lady. ‘ She was confined ‘ in *M. Par. 610.*

* It is reported, that about this time there were no fewer than thirty-two knights in Scotland of the name of *Comyn*; *Fordun, L. x. c. 11.*

† There were, says *Fordun, L. x. c. 5.* as many Kings as counsellors, and the nation was universally oppressed.

‡ ‘ *Qui rebelles extiterint charissimae filiae nostrae Margaretæ Reginae Scotiae;*’ *Foedera, T. i. p. 559.* In that age *rebelles* meant no more than is implied in the old English word *gainsayers*.

1255.

‘ in the castle of Edinburgh, a sad and solitary place, without verdure,
 ‘ and, *by reason of its vicinity to the sea*, unwholesome: She was not
 ‘ permitted to make excursions through the kingdom, nor to chuse her
 ‘ female attendants: And, lastly, she was excluded from all conjugal
 ‘ intercourse with her husband, who by this time had compleated
 ‘ his fourteenth year.’

M. Par. 611. Redress of her last grievance was instantly procured; redress of her other grievances was promised*.

As the family of Balliol, the regent, had so near pretensions to the crown of Scotland, it might seem unjustifiable in him to keep the King separated from his spouse.

Chr. Mel. 220. While the Comyns and their associates were engaged in preparations for holding a parliament at Stirling, the Earl of March, Alan Dureward, and the other leaders of their party, surprized the castle of Edinburgh, and procured the liberty of the King and Queen; or rather, according to the Scottish mode, gave them new masters.

Foed. i. 560.
561. To second this enterprize, Henry led his army towards the Scottish borders, proclaiming, nevertheless, his pacific intentions, and his zeal for the rights and liberties of Scotland, [25th August.]

Foed. i. 562. Alexander and his Queen had an interview with Henry at Werk castle in Northumberland. Their safe conduct imported, ‘ That they
 ‘ and their retinue should not tarry in England, unless with the gene-
 ‘ ral approbation of the Scottish nobility †.’

Foed. i. 565.
567. *Chr. Mel.* 221. *Keith,*
catal. of Bps. 12. Henry had an interview with Alexander at Rokesburgh. The government of Scotland was settled, by the advice of Henry, Gamelin, chancellor of Scotland and Bishop-elect of St Andrew’s, William de Bondington

* ‘ Fecerunt eos *licenter* in uno lecto, ut sponsum et sponfam, condormire;’ *M. Paris*, p. 611.

† ‘ Promissimus etiam eis fideliter, quod nec ipse Rex et Regina, nec aliquis ex
 ‘ suis, quos secum ducent, infra regnum nostrum moram facient, nisi de omnium mag-
 ‘ natum Scotiae voluntate;’ *Foedera*, T. i. p. 562.

1255.

Bondington Bishop of Glasgow, Clement Bishop of Dunblane, William Comyn Earl of Menteth, Alexander Comyn Earl of Buchan, William of Marre Earl of Marre, John de Balliol, Robert de Ros, John Comyn, William Wisheart Arch-deacon of St Andrew's *, and many more were removed from the King's council and deprived of their secular offices.

The King declared, that he would not restore them to favour, until they had atoned for their offences against the King of England as well as against himself.

There was, however, a proviso added, that they might be restored to favour, should Scotland be invaded by any foreign Prince.

The Chronicle of Melros says, that the Bishops of St Andrew's and Glasgow, and the Earl of Menteth, were disgraced, because they would not set their seals to an instrument prejudicial to the honour of the royal family and the nation. *Chr. Mel. 221.*

This,

* There are *characters* of some of the persons here named to be found in Fordun. I do not chuse to interweave them into my work, but place them in a note. Gamelin Bishop of St Andrew's; *Stetit contra reges horrendos, sicut et Moses, in portentis et signis*; L. x. c. 23. Alexander had disputes with Gamelin; hence the King became Pharaoh, and the Bishop Moses. I wish that the impertinence of applying scripture-characters had been confined to such illiterate times. William de Bondington, Bishop of Glasgow, died 1258; *Vir dapilis et liberalis in omnibus*; L. x. c. 11. Clement Bishop of Dunblane, died 1266; *Variarum linguarum interpres eloquentissimus, vir potens sermone et opere coram Deo et hominibus*; L. x. c. 11. William Comyn Earl of Menteth, died 1258; *Vir providus consilio, strenuus miles—experientiâ plura providebat*; L. x. c. 1. William of Marre Earl of Marre; his portrait displays genius in the painter: *In malis artibus ingeniosus satis*; L. x. c. 10. John Comyn; he is said to have been, *vir ad rapinam et temeritatem expeditus*; L. x. c. 10. William Wisheart, Arch-deacon of St Andrew's, *vir magnæ sagacitatis et astutiæ*; L. x. c. 27. He was afterwards Bishop of St Andrew's, chancellor, and chief minister. When he was appointed to the see of St Andrew's, he was rector or prebendary of 22 churches; L. x. c. 28. He became a Bishop, *potius simulatione, quam religione*; plus regis timore quam sui amore. There is sense in this gingle.

1255.

This, it would seem, alludes to the model of government which *Foed. i. 566.* was settled at Rokesburgh, [20th September 1255,] and was to subsist for seven years *, that is, until Alexander should have attained the age of twenty-one.

By it, the following persons were appointed regents of the kingdom and guardians of the King and Queen: 1. Richard Inverkeithen Bishop of Dunkeld. 2. Peter de Ramsay Bishop of Aberdeen. 3. Malcolm Earl of Fife. 4. Patrick Earl of Dunbar or March. 5. Malise Earl of Strathern. 6. Nigel Earl of Carrick. 7. Alexander the steward of Scotland. 8. Robert de Brus. 9. Alan Dureward. 10. Walter de Moray. 11. David de Lindesay. 12. William de Brechin. 13. Robert de Meyners. 14. Gilbert de Hay. 15. Hugh Gifford †. Vacancies were to be supplied by the surviving regents. The crown-rents, wards, and escheats were to be at their disposal: But it was provided, that the custody of all royal castles should remain with the present possessors.

Alexander promised to the King of England, that he would treat his daughter with conjugal affection and all due honour: And to the regents, that he would ratify all their covenants and reasonable grants. He made Patrick Earl of March swear *upon the King's soul* ‡, that these engagements

* Alexander was born 4th September 1241.

† 1. Richard Inverkeithen, died 1272; *Vir magnae maturitatis et gravitatis: Qui fuit fidelissimus Regis et regni consiliarius, et justitiae inflexibilis.* 2. Peter de Ramsay died 1256; *Vir nobili ortus prosapia et clara ornatus scientia;* *Ford. L. ix. c. 62.* Malise Earl of Strathern, died 1270; *Vir genere et liberalitate praeclarus, et super omnes compatriotas munificus;* *L. x. c. 27.* Alan Dureward, died 1275; *Vir dapilis et strenuissimus in armis, ac Regi et regno fidelissimus;* *L. x. c. 35. tanquam flos militiae reputatus,* *L. x. c. 1.* Hugh Gifford de Yester, died 1267. In his castle there was a capacious cavern formed by magical art, and called in the country *Bo-hall*, i. e. *Hobgoblin-hall*, *L. x. c. 21.* Hence we may conclude, that he was esteemed a very wise man, or a very great oppressor.

‡ 'In animam nostram;' *Foedera*, T. i. p. 566.

1255.

engagements should be fulfilled; and he subjected himself to the papal censures, should he fail in performance.

This singular instrument was deposited in the hands of Henry III. *Foed. i. 567.*

The affairs of Scotland being thus settled, Henry proceeded to take *M. Par. 611.* cognisance of the offences of John de Balliol and Robert de Ros, the late regents. As they possessed estates in England, he held them to be amenable to his courts, even on a vague charge of disrespect and disloyalty to the King and Queen of Scots. John de Balliol, being opulent, purchased his pardon. Robert de Ros appeared not, and Henry seized his lands. Perhaps his castle of Werk was his chief offence*.

We have seen that Gamelin, Bishop-elect of St Andrew's, and William de Bondington Bishop of Glasgow, had been deprived of their *secular* offices; as they retained their *ecclesiastical* power, they had an early opportunity of expressing their resentment. Towards the close of this year, Gamelin was consecrated by the Bishop of Glasgow, notwithstanding an injunction to the contrary, issued by the regents. *Chr. Mel. 221.*

1256.

Gamelin was put out of the protection of the laws†, says the Chronicle of Melros, because he opposed the proceedings of the regents, and refused to purchase his bishoprick. He hastened to Rome, and laid his grievances before Pope Alexander IV. The regents seized the revenues of his see. *Chr. Mel. 221.*

Alexander and his Queen visited London. Henry renewed the grant of the honour of Huntington to Alexander, and declared, that *M. Par. 626.* *Foed. i. 582.* the

* In the Annals of Burton, it is said, with much naivety, that the King and Queen of Scotland were dissatisfied with Robert de Ros, 'Eo quod non sustinuit eos carnaliter simul commiscere, ob quam causam Rex dissauit eundem Robertum de castellis de Werk, et de quibusdam suis aliis terris;' p. 342.

† 'Exlegatur;' *Chr. Melros*, p. 321.

1256.

the grant which he himself had obtained from the Pope of a tenth of the ecclesiastical revenues in Scotland, should never be urged as a precedent to the hurt of that nation.

1257.

Chr. Mel. 221. The cause between Gamelin Bishop of St Andrew's and the regents of Scotland was tried by the Pope; judgement was pronounced in favour of Gamelin: He was declared not only innocent of the charge against him, but also most worthy of his bishoprick. The Pope excommunicated his accusers, and the invaders of the see of St Andrew's, and ordered this sentence to be solemnly published in Scotland, by Clement Bishop of Dunblane and the abbots of Melros and Jedburgh.

Foed. i. 615. The Pope, in a lofty epistle to Henry, espoused the quarrel of Gamelin. *Foed. i. 627.* Henry prohibited his entrance into England, and ordered him to be arrested, should he attempt to land.

Foed. i. 627. Another change of the regency happened. Mary de Couci, the widow of Alexander II. had married John de Brienne, son of the titular King of Jerusalem. Henry permitted her and her husband to pass through his dominions to Scotland; under an oath, however, not to aid the faction opposed to the regents: A feeble security, while the Pope favoured that faction!

Foed. i. 670. It appears that they associated themselves with *The Comyns*. At this critical juncture, the Pope's delegates ventured to publish the sentence of excommunication against the enemies of Bishop Gamelin. William Comyn Earl of Menteth represented to his associates, that the King was now in the hands of persons accursed, and that the kingdom was in immediate hazard of papal interdiction. They flew to arms; strengthened with a hypocritical pretext, they seized the King and Queen at Kinross, and detained them in separate confinement, until the friends of the English interest dispersed. Alan Dureward, who affected great zeal for that interest, fled into England. *The Comyns*

myns

1257.

myns wrecked their vengeance on Robert de Ros: Already punished in England as the enemy of the Queen, he was now punished in Scotland as her partizan; and all his goods were confiscated*.

The charge against the Queen was, 'That she had excited her father to invade Scotland, and extirpate the nation.' *The Comyns* could not credit a charge so absurd; but it was basely devised to operate on the two great passions of the vulgar, fear and national pride.

1258.

Alexander drew his army towards the English borders, to fight the excommunicated nobles, says the Chronicle of Melros. In his army he had Scots and men of Galloway, who pillaged the country and eat flesh in lent. *Chr. Mel. 221.*

A negociation took place: In consequence of it, a new and motely regency was established. The regents were, 1. Mary the Queen-dowager. 2. John de Brienne her husband. 3. Gamelin Bishop of St Andrew's. 4. Walter Comyn Earl of Menteth. 5. Alexander Comyn Earl of Buchan. 6. William Earl of Marre: To them were added, four of the late regents, viz. 7. Alexander, the steward of Scotland. 8. Robert de Meyners. 9. Gilbert de Hay; and 10. The versatile Alan Dureward. *Foed. i. 670.*

Henry III. accommodated himself to the state of the Scottish counsels. He promised his friendship and aid to the new regents, as long as they continued to behave religiously and loyally, and with a due regard to the laudable constitutions of Scotland: Should they fail therein, and continue to offend for three months after having been admonished by him, he declared this obligation of amity to be at an end, [6th November.] Thus was Henry reduced to the necessity of overlooking his former quarrel with the Comyns, the instrument of Rokeburgh *Foed. i. 670.*

* 'Omnia enim ejus bona quae venalia videbantur venalitati exponebantur infanda;' *M. Paris*, p. 644.

1258.

burgh deposited in his hands, and the proclamation which he had recently issued against the Bishop of St Andrew's.

M. Par. 660. At this critical juncture, *The Comyns* lost their great leader Walter
Ford. x. 11. Earl of Menteth. In England, it was reported, that he died by a fall from his horse; but, in Scotland, it was said that he perished by poison which his wife administered.

It is probable that this lady was Countess of Menteth in her own right, and that Walter Comyn assumed that title by reason of his marriage. The Chronicle of Melros repeatedly terms him, 'Walter, *called* Earl of Menteth.'
Chr. Mel. ad An. 1255 & 1256.

His widow, rejecting the precipitate addresses of the Scottish nobles who sought her in marriage, precipitately wedded John Ruffel, an obscure Englishman. Irritated at this imagined flight, they accused her of the murder of her former husband, and imprisoned both her and her Paramour.
Ford. x. 11.

Ford. x. 11. Walter Stewart, [called *Bailloch*, or the *freckled*,] a younger brother of the Stewart of Scotland, had married, as it would seem, the younger sister of the Countess of Menteth. He laid claim to the earldom of Menteth, in the right of his wife*; and, by the favour of the parliament, he obtained it. The elder Countess, insulted, disgraced, and despoiled of her fortunes, retired out of Scotland with her husband.

As the *elder* sister was accused of poisoning her former Lord, and had contracted a clandestine marriage with a foreigner, the judgment of the Scottish barons, in favour of the *younger* sister, was what the manners of a fierce and unlettered age might justify.

Ford. x. 14. That the circumstances of this singular story may not lie scattered, I depart from my general chronological plan, and observe, that, in 1262, one Pontius was sent to York by Pope Urban IV. with special powers to inquire into the violence and injuries of which the *elder* Countess

* 'Ex parte uxoris suae;' *Fordun*, L. x. c. 11.

1258.

Countess of Menteth complained. It was a matrimonial cause, or considered in that light, and this gave rise to the interposition of the head of the church.

Pontius summoned Walter Stewart, as the party ; he summoned the bishops, abbots, and almost all the nobility of Scotland, to give testimony in this singular case. A summons to appear without the limits of the kingdom, was held to be inconsistent with the privileges of the King and kingdom of Scotland. Alexander considered this form of procedure as oppressive on himself, his kingdom, and subjects, and as tending to set at nought his ancient rights in cases of this nature. Professing himself ready to determine the controversy according to the laws of Scotland, he dutifully appealed from the Pope's legate to the Pope : And thus no judgment was pronounced at that time.

In 1273, an attempt was made to revive the controversy. William, the son of John Comyn, had married the daughter of the elder Countess of Menteth. John Comyn, on behalf of his son, renewed the suit against Walter Stewart. The family of Comyn probably expected that their formidable influence might deter the King from opposing a trial without the limits of Scotland, where *their* interest was concerned. Nothing, however, could shake the magnanimity of Alexander III. Fordun, x. 33.

No more was done at York in 1273, than in 1263. Walter Stewart still retained the title of Earl of Menteth, his wife the title of *Countess*. Foed. ii. 1082.
Ford. x. 37.

In 1285, the controversy was ended in the proper court, in a parliament held at Scone. *There* it was decided, that a division should be made of the estate, between Walter Stewart and William Comyn ; that the *earldom* should remain with Walter Stewart, and that half of the lands should be erected into a *barony* in favour of William Comyn. This judgment has all the appearances of a compromise. If there was no compromise, the King and parliament gave either too much or too little to one of the contending parties. I now return to the course of the annals. A. Winton,
MS. Chronicle.

By

1259.

Keith. catal.
142.
Foed. i. 683.
Chr. Mel. 222.

Foed. i. 698.

Chr. Mel. 222.

Keith. catal.
143.

Foed. i. 703.

Foed. i. 713.

Foed. i. 714.

By the death of William de Bondington, the see of Glasgow became vacant. The King favoured Nicolas Moffat Arch-deacon of Teviotdale; he was postulated; but the Pope set him aside, and named his own chaplain John de Cheyam, an Englishman, to the vacant see*. Henry, at the desire of the Pope, requested Alexander to put John de Cheyam in possession of his *temporalities*. 'Although he is my subject, said Henry, 'I would not solicit you in *his* behalf, could any benefit arise to you from your opposition to a man on whom the Pope has already bestowed ecclesiastical jurisdiction.' Even Henry could see the evil; but the wisest Prince of that age durst not have seen the remedy.

Alexander consented to the papal nomination. When the Historian of Melros said, that 'the King gave a kindly reception to John de Cheyam,' he said what the public believed, and what the King and his ministers wished to have the public believe; but the Bishop himself knew that he was obnoxious to government; and therefore he embraced the first opportunity of retiring into foreign parts, where he passed the remainder of his life.

The Pope, satisfied with Alexander's apparent acquiescence, recalled certain angry mandates which he had issued against him and his kingdom.

1260.

Alexander and his Queen visited London. Their safe conduct bears, 'That neither the King nor his attendants should be required to treat of state-affairs during this visit.'

Henry made oath, that he would neither detain the Queen of Scots, if she became pregnant in England, nor her child, if born in England: Such jealousy did the Scots entertain of their powerful neighbour.

It

* Among the Scottish instruments whereof Edward I. possessed himself, there was a papal bull, willing, 'That John de Cheyam should swear fealty to Alexander before he received his temporalities;' *Foedera*, T. ii. p. 215.

1260.

It was agreed that the Queen should lie in at her father's court. Henry again made oath, that he would restore the Queen and her child *.

In the event of Alexander's death, he promised to surrender the child to the Bishops of St Andrew's, Aberdeen, Dunblane, and Galloway, to Malcolm Earl of Fife, Alexander Comyn Earl of Buchan, Malise Earl of Strathern, Patrick Earl of Dunbar, William Earl of Marre, John Comyn, Alexander the steward of Scotland, Alan Dureward, and Hugh de Abernethy, or to any three of them: This assemblage of names seems to indicate, that, in 1260, a coalition of the discordant factions had taken place †.

A daughter was born to Alexander in England, and named Margaret. *Gbr. Mel. 223.*

1262.

Henry interposed his good offices to prevent a rupture between Haco King of Norway and Alexander. Haco assured Henry, that he had no intention of invading the *kingdom* of Scotland; but in this he equivocated. *Foed. i. 753.*

1263.

Alexander had sent the steward of Scotland to demand payment from Henry of the arrears of the Queen's portion. Henry made a payment of 500 marks, which drained the exchequer ‡. He feelingly

* 'Post tempus purificationis ipsius, *scilicet post quadraginta dies* post partum suum; *Foedera*, T. i. p. 715.

† From the mention made of the steward of Scotland, Abercrombie, *Martial Achievements*, vol. i. p. 450. extracts this extraordinary panegyrick, 'He was among those undoubted patriots to whom the Royal infant, was, by King Henry III. of England, to be delivered, than which a greater trust could not be given to a subject: A large testimony, that he was considered as proof against domestic faction or foreign influence.' To many of *those undoubted patriots who were proof against domestic faction or foreign influence* he had unhappily given the appellation of *Rebels and villanous tyrants*, at p. 314.

‡ 'Per quod nobis pecunia non extat ad manus; *Foedera*, T. i. p. 743.

1263.

ly lamented his intolerable charges, and the excessive disorder of his finances, and promised to make payment of the remaining moieties at Michaelmas 1263, and Easter 1264. 'I appoint such distant terms,' said he, 'because I mean to be punctual, and not to disappoint you any more.' To an English reader this might seem incredible; but the original instrument exists.

*Torfaeus. hist.
Norveg. iv.
47.*

Haco King of Norway invaded Scotland with a mighty fleet. The Norwegians landed at Largs in Cunningham; they were attacked and overcome by the Scots, [2d October 1263.] A tempest arose, shattered and dissipated the Norwegian fleet. Haco fought a retreat in Orkney, and died there*.

In these particulars the Scottish and Norwegian historians agree. As to the cause of the invasion, the force landed, the circumstances of the battle, and the number of the slain, they widely differ. The truth might still be investigated; but the inquiry would be prolix, and not suited to the nature of this work †.

Ghr. Mel. 225. 21st January, a son was born to Alexander at Jedburgh; he was named Alexander.

1264.

Ford. x. 18.

Magnus, son of Olave, King of Man, despairing of assistance from Norway, did homage to Alexander at Dumfries, and became bound to

* It is reported that Haco, just before his death, sent to Alexander the letter which many of the Scottish barons had written, desiring the aid of the Norwegians against their sovereign; *Fordun, L. x. c. 16.*

† We may, therefore, continue to suppose, that Haco led on his army in person, and that 24,000 Norwegians, part of the crew of 160 vessels, fell in battle. Concerning this subject, the curious reader will find some good remarks, though not so many as might have been expected from the learning and abilities of the author, in Dr M'Pherson's *Critical Dissertations*, p. 291.—300. He says, 'It is hardly possible to believe, that the battle of Largs, if ever such a battle was fought, was so fatal to the Norwegians.' This is a high strain of scepticism indeed! The Chronicle of Melros places the battle of Largs in 1262.†

† By an error in the old edition
however, in the MS. it is
correctly stated to have occurred in 1263.

1264.

to furnish to his Lord paramount five gallies with 24 oars, and five with 12 *.

An army was sent against those of the western isles, who were supposed to have favoured the invasion of Haco King of Norway. Some of the ringleaders were executed, and their country spoiled. In those times, justice administered by a military force, was always accompanied with rapine.

A civil war arose in England; John Comyn, John de Balliol, and Robert Bruce led a numerous body of Scotsmen to the aid of Henry. Northampton was stormed by the forces of the English King. At the battle of Lewes, [14th May], he was defeated and made prisoner. Edward Prince of England occasioned the loss of the battle, by an impetuosity resembling that of Prince Rupert in the days of Charles I. While he amused himself in chasing the fugitive Londoners, the barons vanquished Henry. In this battle, great slaughter was made of the Scottish auxiliaries; and John Comyn and Robert Bruce were made prisoners.

Contin. M.
Paris, 669.
Hemingford,
581. Knygh-
ton, 2447.

1265.

At the battle of Eveshame, [4th August,] Simon de Montfort, leader of the barons, was overpowered, discomfited, and slain. The brutal soldiery cut off the hands and feet of the dead warrior, before whom, when alive, they had often fled. When all was lost, Guy de Balliol, his standard-bearer, refused to quit the field, and died with his master.

Contin. Chr.
Mel. 226. &c.
T. Wikes, 71.

1266.*

After long negotiations with Magnus King of Norway, it was agreed, that Norway should yield to Scotland all right over the *Æbuda* and *Man*, and in general over all islands in the western seas of Scotland.

Ford. x. 19.
Torfaeus, hist.
Norv. iv. 343.

* *Fordun*, not unaptly, calls them *piratical vessels*. This Magnus died in 1265; *Chr. Man. apud Camden. Britannia.*

Z

* The chronicle of Lanercost relates that Edward previous to his crusade visited his sister Margaret who met him at Haddington, and to whom he presented the esquire who had slain Simon de Montfort at Evesham. ad an. 1266.

1266.

land. For the greater security, islands in the south-sea are *included*, and the islands of Orkney and Shetland are *excepted*. It was provided, that the inhabitants of the ceded islands should, in time to come, be governed by the Scottish laws: They had liberty, however, of retiring with all their effects. On the other side, the King and estates of Scotland became bound to deliver to the King of Norway, at the church of St Magnus in Orkney, 4000 marks Sterling of the Roman standard, in four yearly payments of 1000 marks each, and also a yearly quit-rent of 100 marks Sterling for ever *.

Both parties became bound to fulfil their respective obligations under a penalty of ten thousand marks, to be exacted by the Pope.

By this treaty the patronage of the bishoprick of Sodor was reserved to the Archbishop of Drontheim in Norway.

Ford. x. 21.

Cardinal Ottobonus de Fieschi, the papal legate in England, required six marks from each cathedral in Scotland, and four marks from each parish-church, for the expences of his visitation †. The King, with the advice of his clergy, forbade the contribution, and appealed to Rome. His clergy gave him 2000 marks for defraying the charges of the appeal.

1267.

Ford. x. 23.

A quarrel arose between the King and his clergy. Sir John de Dúnmore had been excommunicated for certain offences against the prior and convent of St Andrew's. The King required Bishop Gamelin to absolve him, even without satisfaction: Gamelin not only refused this, but ratified the sentence, and excommunicated all the adherents of Dúnmore, the royal family excepted. The King, irritated at Gamelin's zeal, suffered the legate to levy part of the disputed contributions. On the other hand, Gamelin repeated the sentence of excommunication.

* 'Annuus redditus;' the treaty is to be found at full length in *Torfaeus Hist. Norveg.* vol. 4. part. 4. L. 6. c. 3.

† 'Nomine procurationis suae;' *Fordun*, L. x. c. 21.

1267.

communication. Dunmore's prudence terminated this unhappy contest: He asked forgiveness, made reparation, and was absolved; the King and his clergy were reconciled. The immediate consequence of this reconciliation was remarkable. The legate demanded admittance into Scotland; the King examined the legate's commission, consulted with his clergy, and peremptorily denied him admittance.

1268.

The legate, having met with this unexpected repulse, summoned *Ford. x. 24.* all the Scottish Bishops to attend him in England, at whatever place he should think fit to hold a council. He also required the Scottish clergy to send two of their number, heads of monasteries, as their representatives: The Scottish Bishops sent two of their number, and the other clergy two; not to assist at, but to watch over the deliberations of the council. The legate procured several canons respecting Scotland to be enacted; but the Scottish clergy disclaimed obedience to them. They now began to feel their own strength, and to exert it.

A similar incident occurred in the course of this year. Pope Clement IV. required the Scottish clergy to pay a tenth of their benefices *Ford. x. 24.* to the King of England, as an aid for an intended crusade. Alexander and the clergy concurred in rejecting this requisition. They said, 'That Scotland itself would equip a competent number of crusaders:' Accordingly David Earl of Athole, Adam Earl of Carrick, with many other barons, undertook the fatal expedition. The Earl of Athole died before Tunis, [1269,] under the banners of the virtuous and unfortunate Lewis IX. of France; the Earl of Carrick died in Palestine, *Chr. Mel. 241. 242.* [1270.]

1269.

In consequence of the Pope's grant, Henry III. attempted to levy *Ford. x. 26.* the tenths in Scotland: The Scottish clergy appealed to Rome: To shew that they were as independent of the English legate as of England, they assembled in a provincial council at Perth. A Bishop of
their

1269.

*Historical me-
morials of
Scottish Coun-
cils, 16. et seq.
Concilia Bri-
tan. i. 607. 618.*

their own presided, and canons of their own were enacted, which re-
mained in force until the reformation.

The canons of the councils 1242 and 1269 are those preserved in
the Chartulary of Aberdeen, and, from that Chartulary, published by
Wilkins. None of the writers on our law ever perused them; and yet
they are the only thing that can deserve the title of the *ancient eccle-
siastical code of Scotland*.

Concerning them, it may suffice to observe, that the *first* appointed
a council to be annually held, and *this* under the authority of the bull
of Pope Honorius III. [anno 1225]; and that the *second* canon appoint-
ed each of the Bishops, in rotation, to be *conservator statutorum*; his
office was, during the interval between each council, to enforce obedi-
ence to the canons, under pain of ecclesiastical censures.

These were bold measures, admirably well calculated for securing
the independency of the church of Scotland, but fatal to the preroga-
tive of the Roman see.

1270.

*Boece, xiii.
290. b.*

A son was born to Alexander, and named *David*. He died in his
nonage.

1272.

Tb. Wikes, 98.

Henry III. King of England died, [16th November.] During his
long reign, he was, upon the whole, as friendly to Scotland as a
powerful Prince can be to a weaker neighbour.

1274.

*Extr. e Chron.
MS. Adv. li-
brary.
Ford. x. 29.
xi. 12.
Chr. Mel. 242.*

Martha, Countess of Carrick in her own right, the wife of Robert
Bruce *, Lord of Anandale, bare him a son, afterwards Robert I. [11th
July 1274.] The circumstances of her marriage were singular; hap-
pening to meet Robert Bruce in her domains, she became enamoured of
him,

* I comply with the general, though erroneous usage in calling him *Bruce*; the vul-
gar have preserved his real name; They call him *de Brus*.

1274.

him, and with some violence * led him to her castle of Turnbery. A few days after, she married him, without the knowledge of the relations of either party, and without the requisite consent of the King. The King instantly seized her castle and whole estates: She afterwards atoned by a fine for her *feudal delinquency*. Little did Alexander foresee, that, from this union, *the Restorer of the Scottish monarchy* was to arise.

Alexander, with his Queen, and many of his nobility, assisted at the coronation of Edward I. Margaret Queen of Scotland died [26th February 1274-5.]

Ford. x. 35. Edward allowed Alexander £175 for his expenses in coming to the coronation. Feod. i. 520.

q. su. Feod. i. 540.

1275.

Benemundus de Vicci, vulgarly called *Bagimont*, was employed by the Pope to collect the tenth of all ecclesiastical benefices in Scotland, for the relief of the Holy Land; it was paid by all the clergy, except the Cisterians, upon oath, and even under the terrors of excommunication. The Cisterian order had compounded with the Pope, by granting a general aid of 50000 marks; and thus the amount of their revenues throughout Europe remained unknown. The Scottish clergy prevailed on Bagimont to be their solicitor at Rome for obtaining an abatement of the tax; his solicitations, however, were in vain: In that age a commutation might be received for crimes; but papal taxes could not be abated.

Ford. x. 35.

The rent-roll by which this tax was levied is known in the history of Scotland, under the title of *Bagimont's roll*†.

Historical memorials of Scottish provincial councils, 18. 20.

1277.

The Bishop of Durham accused Alexander of having encroached on the English marches. Alexander, by his *five* ambassadors, asserted, that he had only maintained the marches according to ancient usage, that

Feod. ii. 84.

* 'Vi quadam, si dicere fas est;' *Fordun*, L. x. c. 29.

† In the Calendars of Ancient Charters, p. 336. he is called 'Benemundus de Viccic [probably *Vicci*,] Canonicus Astentis.'

1277.

that is, 'to the flood-mark towards the south*.' He requested that commissioners appointed by both crowns might try the controversy.

* *Calend. of ancient Charters*, 328.

It is probable, that the subject of a dispute, agitated with so much solemnity, was no other than a salmon fishing at the mouth of Tweed.

1278.

His printed also in the Earl Writ. i. 7.
1. 563.
Foed. ii. 126.
Annal. Waverl. 233.

In the English parliament, [on Michaelmas day,] Alexander swore fealty to Edward I. in general terms. Edward accepted it, 'saving the claim of homage for the kingdom of Scotland, whenever he or his heirs should think proper to make it †.'

Alexander had a letter of safe-conduct 12 June 1278. 1. 558.
He was in provincia itineris. 15 Sept. id. 562.

He offered to perform homage at Tunkbury, but Edward being there without his council requested that the ceremony might be delayed until they came to London, which Alexander granted, reserving from Edward an instrument declaring that no prejudice should arise from this protraction. The original is in the Tower, a transcript amongst my papers.

Robert Bruce Earl of Carrick performed the ceremony of homage by the command of Alexander, and with the approbation of Edward: It was in these words: 'For the services due on account of the lands and tenements which I hold of the King of England ‡.'

1281.

The convention dated 25 July is in the Foed. i. 595.

Foed. x. 37.
Foed. iv. 370.

Eric King of Norway, in his fourteenth year, married Margaret, the daughter of Alexander, in her twenty-first year.

1282.

i. 613

Foed. ii. 269.

The instrument in Syme in which the date is fixed to 1282 by Hailes is undated, but the document immediately after it shows that it is probably correct.

Alexander Prince of Scotland married Margaret the daughter of Guy Earl of Flanders.

1283.

Foed. x. 37.

Margaret Queen of Norway died, leaving an only child, Margaret, called by our historians, *the maiden of Norway*. Alexander Prince of Scotland died [28th January 1283-4.]

1. 638.
Foed. ii. 266.

The King and the estates immediately settled the succession, in a parliament held at Scone 5th February 1283-4. The nobles became bound

* 'Deskes al Flodmark devers le Sud;' *Foedera* T. 2. p. 84.

† 'Salvo jure et clameo, de regno Scotiae, cum inde loqui voluerint;' *Foedera*, T. ii. p. 126.

‡ 'Servitia debita de terris et tenementis quae teneo de Rege Angliae;' *Foedera*, T. ii. p. 126.

1283.

bound to acknowledge Margaret Princess of Norway as their sovereign, 'failing any children whom Alexander might have, and failing the issue of the Prince of Scotland deceased.' Mention is made of *the issue of the Prince*, because the parliament assembled immediately after his death, when it could not be known whether his widow was pregnant. The preference of a younger daughter of Alexander III. to his grand-daughter the Princess of Norway, might have afforded an argument for Bruce, in his competition with Balliol.

In this instrument the territories belonging to Scotland are described to be, 'the isles, not particularized, the Kingdom of Man, Tyn-dale and Penrith.'

1284.

Edward I. requested from Pope Martin IV. a grant of the tenths collected in Scotland for the relief of the Holy Land. The Pope made the grant under three provisos, that Edward himself should assume the cross before Christmas, obtain the consent of the King of Scots, and, out of the money levied, supply the Scottish crusaders: The grant, under such conditions, was elusory. *Foed. ii. 274.*

1285.

Alexander, bereaved of all his children, married Joleta daughter of the Count de Dreux. He did not long survive this union. Riding in the dusk of the evening between Burntisland and Kinghorn, he was thrown from his horse over a precipice, and killed on the spot [16th March 1285-6.] He died in the 45th year of his age, and 37th of his reign. *Extr. e Chron. niclis. Ford. x. 40.*

Knyghton seems to ascribe his death to a divine judgment, for that he was going to visit his wife in the season of Lent. With a better spirit Fordun speaks, 'Let no one question the salvation of this King, because of his violent death; *he who has lived well, cannot die ill.*' *Knyghton, 2468. Ford. x. 40.*

Alexander was long and affectionately remembered for his incessant labours in distributing justice. He made an annual progress through his

1285.

his kingdom, and held itinerant courts in every quarter: We, whose lot has fallen in more happy times, cannot feel, as our forefathers felt, this act of royal beneficence. *An interposition of the sovereign to overawe the courts of justice*, will not be applauded by us who have leisure to wander after the idea of legislative perfection.

The acquisition of the western islands was a politic measure; but Alexander lived not long enough to render it beneficial.

His conduct towards the neighbouring kingdom was uniformly candid and wise. He maintained that amity with England which interest as well as relation to its sovereigns required; yet he never submitted to any concessions which might injure the independency of the kingdom and church of Scotland.

In some hasty contests with his own clergy, he may have been to blame; yet he soon regained their affections, and united them in opposition to the exorbitant demands of the court of Rome, and to the tyrannical pretensions of its legate.

He could not reform a rude and licentious age; yet his temperance and purity of manners left it no excuse from the evil example of the sovereign.

Our late writers have said much concerning the valuation of lands in Scotland by Alexander III. generally termed *the old extent*. There is, however, one evidence, which has hitherto escaped observation. In the Chartulary of Aberdeen, we have ‘*Rentale Regis Alexandri tertii Vicecomitat. de Aberdene et de Banff.*’ Among other articles this occurs, ‘*de Thanagio de Nathdole, secundum antiquam extentam, xlix. lib. et xvi. denar.*’

Chart. Aber-
deen, 101,

MARGARET

M A R G A R E T.

MARGARET of Norway, grand-daughter of Alexander III. ^{1.638.} ~~Ford. ii. 266.~~ had been acknowledged heir to the crown of Scotland by the nobility in 1284.

She was an infant, and resided in foreign parts: A Regency, therefore, was appointed by general consent *, [at Scone 11th April 1286.] The guardians of the realm were six. Three for the administration of government beyond the Frith of Forth, William Frazer Bishop of St Andrew's, Duncan Earl of Fyfe, and Alexander Earl of Buchan †; three to the south of the Frith of Forth, Robert Wisheart, Bishop of Glasgow, John Comyn Lord of Badenoch, and James the Stewart of Scotland.

1288.

Sir Patrick Abernethy and Sir Walter Percy, instigated by Sir William Abernethy, lay in wait for the Earl of Fyfe, and murdered him ‡, [25th September 1288.] About the same time, the Earl of Buchan died.

By

* *Buchanan*, L. viii. pr. says affectedly and erroneously, 'Conventus ordinum Scotiam indicitur, in quo *de novo rege creando* ageretur.' Admitting his capricious notions of the nature of the Scottish government to be just, *this* could not have been the business of the assembly; for Margaret had been already acknowledged heir presumptive of the crown. Fordun seems to say, that the Queen-dowager was with child at her husband's death, but afterwards miscarried; L. xi. c. 3. The uncertainty of the regal succession afforded an additional reason for the naming of regents.

† Fordun confounds him with his son *John*; L. xi. c. 1. *Alexander* Earl of Buchan was dead in 1290; *Foedera*, T. ii. p. 471.

‡ At a place called *Petpollock*; *Fordun*, L. xi. c. 11. Sir Andrew Moray of Bothwell

1288.

Sympson. Hist.
of the family
of Stewart,
78.

By the death of Fyfe and Buchan, the guardians were reduced to *four*. Diffensions arose among them. James the Stewart of Scotland separated himself from his colleagues, and formed an association not only with certain Scottish Lords, but also with Gilbert de Clare Earl of Gloucester, and Richard de Burgh Earl of Ulster: He even took up arms 'in defence,' as he pretended, 'of himself and of his people.'

1289.

Foed. ii. 416.
1.706

When all things were thus tending to anarchy, Eric King of Norway interposed: He sent plenipotentiaries to treat with Edward concerning the affairs of the infant Queen and her kingdom*.

Foed. ii. 431.
Another copy in Prymme 392.

At the request of Edward, the guardians appointed three of their number, Frazer Bishop of St Andrew's, Wisheart Bishop of Glasgow, and Comyn, together with Robert Bruce, the father †, Lord of Annandale, to assist at this treaty, and to concur with the Norwegian plenipotentiaries, 'saving always the liberty and honour of Scotland ‡,' [at Melros, 3d October 1289.]

Various other instruments prior
to the meeting of Salisbury are in
Prymme 392, 393.

Foed. ii. 446.

To this congress Edward sent Geoffroy Bishop of Winchester, Anthony Bishop of Durham, and the Earls of Pembroke and Warenne.

The

well took vengeance on the assassins. He seized Percy and William Abernethy. Percy was executed. William Abernethy was condemned to perpetual imprisonment. Patrick Abernethy fled into France, and died *there*. Fordun says, that Sir Andrew Moray was appointed *guardian* in the room of the Earl of Fyfe. This seems to be a mistake; for Moray was a private baron in 1290; *Foedera*, T. ii. p. 471.

* Towards the end of the year 1286, Eric borrowed 2000 merks Sterling from Edward; *Foedera*, T. ii. p. 339. I presume that his plenipotentiaries had no powers to pay that debt.

† Our own historians, as well as the English, have confounded Robert Bruce *the competitor*, the person here meant, with his son Robert Bruce, Earl of Carrick in right of his wife.

‡ 'Salvis tamen in omnibus, et singulis, et per omnia, libertate et honore Scotiae;' *Foedera*, T. ii. p. 431.

1289.

The plenipotentiaries met at Salisbury, and settled a convention in *See Prynn, 394* manner following.

1. The *Norwegians* promised, 'that Margaret, free from all matrimonial engagements, should be conveyed immediately either to England or to her own territories.

2. The *English* promised, 'that, if Edward received her thus free, he would, on demand, deliver her as free to the Scottish nation; provided always, that good order should be previously established in Scotland, so that she might reside *there* with safety to her person *; and provided also, that the Scots should grant security to the King of England not to bestow Margaret in marriage, unless by his ordinance, will, and advice, and with the assent of Eric, her father.

3. The *Scots* promised, 'That, previous to the arrival of the young Queen, they would establish good order in Scotland, and that they would grant full security for her coming there with safety, and residing there in all freedom.

4. Moreover, the Scots promised 'to remove any of the guardians or ministers of Scotland whom the King of Norway should hold to be unfit for their offices, or liable to suspicion, and to place persons of the best rank and character in their room, by the determination of *the good men* of Norway and Scotland, and, if they differed in the choice, by the umpirage of the commissioners whom Edward might appoint †.'

As

* 'Quaunt le reaume de Escote ferra bien assure et en bone pees, issi ke ele i puisse seurement venir et demorer;' *Foedera*, T. ii. p. 446. Edward was wont to qualify his promises. This proviso seems captious. According to it, the Queen might have been detained an honourable captive during life, under the pretext, that Scotland was not a quiet and safe place of abode for its sovereign.

† Three copies were made of this convention. One in Latin was transmitted to the King of Norway, the others in French, were retained for the use of the English and the Scots; *Foedera*, T. ii. p. 447. At that time *French* was the language of business in both nations.

1289.

As *three* out of the four guardians were parties in this convention, we may conclude, that the guardian who might *be held unfit for his office or liable to suspicion*, was the *fourth*, James Stewart of Scotland.

In this convention no hint is given of *a match with England*: It is probable, however, that the Scottish plenipotentiaries had been founded on that subject.

Foed. ii. 450.

Another copy in Prymme, 391.

Certain it is, that Edward, even before the conclusion of the treaty of Salisbury, had obtained a dispensation from Pope Nicolas IV. for the marriage of his eldest son and the young Queen of Scotland *.

Foed. ii. 472.

If we could suppose that all the negotiations of that busy period had been transmitted down to us, we should conclude that the Scottish nation received, from popular rumours, the first account of that alliance on which the fate of Scotland depended. 'We rejoice,' said they, in a letter to Edward †, '*to hear the general report*, that your Highness 'has procured a dispensation from the Pope, for the marriage of your 'son Prince Edward with our sovereign Lady; we beseech your Highness to inform us, *whether the report be true*; if it is, we, on our 'part, heartily consent to the alliance, not doubting that you will agree

* The Prince of England was the cousin-german of the mother of Queen Margaret. The reasons for this dispensation were, that, if Margaret married any other husband, there might arise enmity between the two nations, and Edward might be prevented from undertaking his promised crusade; *Foedera*, T. ii. p. 450. 16. kal. Dec. 1289. The *first* reason probably originated in England, the *second* at Rome.

† According to the style of that age, they give the appellation of *apostle* to the Pope. This letter is in the name of the *four guardians*, of ten bishops, twenty-three abbots, eleven priors, of Robert Bruce Earl of Carrick, and eleven more Earls, of Robert Bruce Lord of Annandale, and forty-seven more barons, [Vendredi, apres la feste St Gregoire 1289.] Abercrombie, obstinately shutting his eyes against this evidence, affirms, that Robert Bruce, Lord of Annandale, opposed the English match; vol. i. p. 462. p. 469. and on this wilful error founds a notable hypothesis.

1289.

‘gree to such reasonable conditions as we shall propose to your parliament,’ [or council.]

In the same spirit of national impetuosity, they wrote to Eric : They *Foed. ii. 473* pressed him to send his daughter instantly to England ; and they added, ‘ Hereto we entreat you, and herein we shall be for ever beholden to you ; nevertheless, if you should fail in granting our request, we must, in this exigency, follow the best counsel which God may give us, for the state of the kingdom and its inhabitants. *pol. 35*

1290.

Eric, from policy or from affection, was unwilling to yield up his only child. In summer 1290, Edward pressed him ‘ no longer to delay a union sanctified by the papal authority, so much desired by both nations, and so necessary for their common welfare.’ *Foed. ii. 474. Prynn 392.*

Such arguments could have little influence on Eric, who was at variance with the court of Rome, and who had no political interest in the prosperity of Britain. *Torfaeus. hist. Norveg. iv. 372.*

Edward, by his ambassador Anthony Bishop of Durham, employed a more powerful engine. He distributed bribes among the Norwegian counsellors, under the decent guise of annual pensions, to be continued until Queen Margaret should attain the age of fifteen *. *Prynn, iii. 399.*

The Scots, ignorant of Edward’s negotiations, grew more and more impatient at the delays of Norway. Edward became bound, in a penalty of 3000 merks, to be paid to the guardians, that, before the 1st of November, Margaret should either be landed in Britain, or that Eric *Foed. ii. 479.*

* ‘ Rex, &c. cum venerabilis pater A. Dunelmensis Episcopus, *ad requisitionem nostram* obligaverit se quibusdam personis de regno Norwag. in *quadringentis libris* eisdem personis, singulis annis, solvendis, quousque Domina Margareta, filia egregii Principis Erici, Regis Norwagiae illustris, et Domina et Regina Scotiae quindecim annorum plene compleverit aetatem : Nos, in recompensationem illarum quadragintarum librarum, assignavimus, praefato Episcopo maneria subscripta, viz. manerium nostrum de Werk,’ &c. *Prynn* vol. iii. p. 399.

1290.

Eric and his nobles should take a joint oath to deliver her, [15th May 1290.]

Foed. ii. 482.
et seq.

Bynne. 395.

A treaty was concluded between the ambassadors of England * and the guardians, clergy, earls, barons, and whole community of Scotland †, [at Brigham, 18th July 1290.]

The articles proposed by the English and accepted by the Scots were, in substance, as follows.

The marriage of Margaret and the son of Edward was the basis of the treaty.

It was agreed, ‘ I. That the rights, laws, liberties, and customs of
‘ Scotland should remain for ever entire and inviolable, throughout the
‘ whole realm and its marches, *saving always the right of the King*
‘ *of England, and of all others which, before the date of this treaty, be-*
‘ *longed to him, or any of them, in the marches, or elsewhere, or which*
‘ *ought to belong to him, or any of them, in all time coming ‡.*’

This was the fatal salvo, so artfully devised, as to bear the semblance of impartiality, and to prevent all suspicion of sinister views. Yet in it the foundations were laid for England’s claim of feudal sovereignty over Scotland.

‘ II. Failing Margaret and Edward, or either of them, without issue,
‘ the kingdom shall return to the nearest heirs, to whom it ought of
‘ right

* Anthony Bishop of Durham, Ralph Bishop of Carlisle, John Earl Warenne, Henry Earl of Lincoln, Sir William de Vescy, and Henry of Newark, dean of York; *Foedera*, T. ii. p. 482.

† ‘ Inter nobiles viros, comites, barones, *totamque communitatem regni Scotiae;*’ *Foedera*, ibid. Bridgeham is situated on the north bank of Tweed, between Coldstream and Kelso.

‡ Left I should have mistaken the sense of this proviso, I subjoin it at full length.
‘ Salvo jure dicti Domini nostri, et alterius cujuslibet, quod sibi vel alii cuicunque, super iis quae consistunt in marchiis, vel alibi, ante praesentis concessionis tempora com-
‘ petiit, vel competere justo modo poterit in futurum;’ *Foedera*, ibid.

1290.

‘ right to return, wholly, freely, absolutely, and without any subjection; so that hereby nothing shall either *accrue or decrease* to the King of England, to his heirs, or to any one else *.

‘ III. If Margaret survive, she shall be delivered to the Scottish nation, according to the treaty of Salisbury;’ that is, free from all matrimonial engagements.

‘ IV. Immediately upon the marriage, Margaret shall be secured in a jointure, suitable to her rank, wherewith she and her friends may be reasonably satisfied.

‘ V. The kingdom of Scotland shall remain separate and divided from England, free in itself, and without subjection, according to its right boundaries and marches, as heretofore;’ with the salvo, as in the *first* article.

‘ VI. The chapters of churches, having right of election, shall not be compelled to go forth of Scotland for obtaining leave to elect, for presenting the persons elected, or for swearing fealty to the sovereign.

‘ VII. No crown-vassal shall be compelled to go forth of Scotland for the purpose of performing homage or fealty, or of transacting for his *relief*. A like provision is made as to widows, orphans, and all others peculiarly entitled to the protection of the state †. A person shall be appointed in Scotland to act therein, by the authority of the Queen and her husband, reserving always that homage which ought to be performed in presence of the sovereign. Fealty, however, being once done, each man shall have *safine* of his land immediately, by *breve* from chancery.

‘ VIII.

‘ Ita quod, ratione praesentis facti, Domino nostro Regi, vel haeredibus suis, aut alii cui alii, nihil acrescat aliquatenus vel decreascat;’ *Foedera*, T. ii. p. 483.

† The original instrument bears, *miserabiles personae*. I have *paraphrased* the expression according to its legal sense; it cannot be *translated* into modern English. To call them *poor suitors*, would be an imperfect and erroneous interpretation.

1290.

‘VIII. No native of Scotland shall, in any case, whether of covenant made, or crime committed in Scotland, be compelled to answer out of the kingdom, contrary to the laws and usage of Scotland, heretofore of reason observed*.

‘IX. The great seal of the kingdom, which has been used since the demise of Alexander III. shall continue to be used until the Queen arrive in her dominions, and perform to God, the church, and the nation what ought to be performed, by the laws and customs of Scotland†. When the Queen arrives, a new great seal shall be made, having the arms accustomed, and the name of the sovereign of Scotland, and no other; and it shall remain in the custody of the chancellor of Scotland ‡ for the time being. He shall be a native of Scotland, and shall be resident in Scotland. In like manner, there shall be chamberlains, a clerk of the rolls of chancery, justiciaries, and other officers of the realm. The wonted course of issuing writs from chancery shall continue.

‘X. All relicks ||, charters, grants, and other muniments touching the

* ‘Contra leges et consuetudines ejusdem regni, sicut hactenus extitit *rationabiliter observatum.*’ Unless there was some refined meaning in the words ‘*rationabiliter observatum,*’ this article may be held incompatible with the claim of feudal superiority which Edward, at a more convenient season, asserted.

† ‘Quousque fecerit Deo et ecclesiae, ac communitati ipsius regni, quod fuerit faciendum, secundum leges et consuetudines regni supradicti.’ By this circumlocution, the coronation-oath is intended.

‡ It is scarcely necessary to observe, that by *chancellor*, the keeper of the seals is understood; by *chamberlain*, the person who had the superintendency of the royal revenues, &c.

|| ‘*Reliquiae.*’ The inventory of things found in the treasury of Edinburgh, 20 Edw. I. contains the following articles: ‘Quatuor cophini, cum reliquiis diversis, unus cophinus cum cruce argentea, in qua est *pars crucis Dominicae;*’ *Calendar of Ancient Charters*, p. 330.

1290.

‘ the royal dignity of the kingdom of Scotland, shall be deposited in
 ‘ a safe place within the kingdom, and in sure custody, under the seals
 ‘ of the nobility, and subject to their inspection: They shall so remain
 ‘ until the Queen arrive in her dominions, and have living issue.

‘ XI. There shall not be any incumbrance, alienation, or obligation
 ‘ created *, in matters respecting the royal dignity of the kingdom of
 ‘ Scotland, until the Queen arrive in her dominions, and have living
 ‘ issue.

‘ XII. The heirs of the nobility, becoming wards of the crown, shall
 ‘ not be *disparaged* in marriage.

‘ XIII. No parliament † shall be held without the boundaries of
 ‘ Scotland, as to matters respecting the kingdom, its marches, and the
 ‘ inhabitants thereof.

‘ XIV. No tallage, aids, levies of men, or extraordinary exactions ‡
 ‘ shall be demanded from Scotland, or imposed on its inhabitants, un-
 ‘ less for promoting the common interests of the realm, or in the cases
 ‘ where the Kings of Scotland have been wont to demand the same.’

For the observance of this treaty, an ample provision was made of
 oaths, penalties to the papal see, and spiritual censures.

To the treaty, a protestation was subjoined, ‘ that the premises shall
 ‘ be so understood, as that nothing may thereby accrue to, or decrease
 ‘ from, the right of either kingdom or of the sovereigns thereof.’

Edward

* Such I understand to be the sense of the words, ‘ Nulla fiat subiectio, alienatio,
 ‘ vel obligatio rerum, ad regalem dignitatem regni Scotiae pertinentium.’

† *Abercrombie* remarks, vol. i. p. 460. that the word *parliament* occurs here for the
 first time in the history of Scotland. If that be so, the only fair inference is, that we
 got the word from England; for we had the *thing* before under the name of *general*
council.

‡ The word which I have translated *extraordinary exactions*, is *malatolta*, from the
 French *malestoft*; in English, it is sometimes termed *maletent*.

1290.

Foed. ii. 487. Edward made haste to pronounce that oath which the treaty of Brigham required*.

The next step which he took was equally politic and bold: He appointed Anthony Beck Bishop of Durham, to officiate as Lieutenant of Scotland †, in the name of Queen Margaret and the Prince of England, yet still 'in concert with the guardians, and by the advice of the 'prelates and nobles of the realm.' The treaty of Brigham gave no such authority to Edward; nevertheless he assumed it, *by reason of his oath to maintain the laws of Scotland!*

Edward, it is probable, meant not that *the Lieutenant* should act alone, unless in case of absolute necessity. Even as *fifth* guardian he might turn the scales of the Scottish counsels. Fraser Bishop of St Andrew's was the creature of Edward; Comyn favoured England; these two, in concert with the Bishop of Durham, could over-rule the other two guardians.

Pygme, 400. *Foed.* ii. 488. He next made a peremptory demand, that all the places of strength in Scotland should be instantly yielded up to him, 'on account of a 'rumour of some dangers and suspicions which he had heard ‡.'

Foed. ii. 488. The Scots refused to comply with this demand. By their ambassadors || they offered, on the Queen's arrival in either kingdom, free of matrimonial engagements, to deliver all their fortresses and castles to her and her intended husband: They also promised to obey her and him,

* 'Cum ad leges et consuetudines regni Scotiae observandas ex sacramenti praestiti debito teneamur;' *Foedera*, ii. 487. [28th August 1290.]

† 'Assignamus ad tenendum in eodem regno locum, Dominae Margaretae,' &c.; *Foedera*, ii. 487.

‡ 'Pur acuns perils e suspecons, que il avoynt entendu;' *Foedera*, ii. 488.

|| Robert Wisheart Bishop of Glasgow, John Comyn, and Alan Bishop of Caithness. The Bishop of Caithness was an Englishman, a creature of Edward, and as such rewarded by him; *Keith Catalogue of Bishops*, p. 125.

1290.

him, as their joint sovereigns, whenever they came into Scotland, and, either in person, or by delegation, took that oath which the constitution of the realm required.

Meanwhile they engaged, neither to consent to any other marriage of the Queen, nor to yield obedience to any other lord.

23 Aug. Prymme 430
16 Sept.

Further, if the Queen did not arrive in Britain by the 1st of November, they promised, that all the keepers of strong-holds should become bound, as well by written instruments, as by oath, to keep them in the name, and for the behoof, of the Queen and the Prince of England.

They even undertook to remove all whose fidelity might be justly suspected, to place unsuspected persons in their stead, and to take security for their fidelity *.

Foed. ii. 489.

There is reason to believe, that Edward returned a favourable answer to the proffers made by the Scottish nation †.

The Bishop of St Andrew's and certain of the nobility assembled at Perth to hear the answer to the propositions. The guardians of Scotland, accompanied by commissioners from Edward, were preparing to receive their sovereign, the child of so many hopes, when the fair system of alliance and harmony between the two nations was at once overthrown. The young Queen sickened on her passage to Britain, landed in Orkney, languished there and died, [about the end of September 1290.]

Foed. ii. 1090.

Foed. ii. 1090.
M. Westm.
414.

At the rumour of her death, says the Bishop of St Andrew's, 'the kingdom was troubled, and its inhabitants sunk into despair ‡.'

Provision

* 'Par comun conseil du Roy de Engleterre, et de bone gent de Escoffe;' *Foedera*, T. ii. p. 489.

† 'Responso vestro audito et intellecto, fideles procures, et quaedam pars communitatis regni Scotiae, Celsitudini vestrae immensas referebant gratiarum actiones;' *Letter*, Bishop of St Andrew's to Edward I.; *Foedera*, ii. p. 1090.

‡ 'Propter quod regnum Scotiae est turbatum, et communitas desperata;' *Letter*, Bishop of St Andrew's. *ibid*;

1290.

Provision had been made for the settlement of the crown on the descendants of Alexander III. [in 1284.] The nation had looked no farther, and perhaps it durst not look farther. The progeny of Alexander III. was now extinct: The probability of this event, depending on the single life of a child, must have been foreseen; nor can it be doubted that they who were connected by blood with the royal family, had it in view, and were preparing, secretly and cautiously, to assert their several pretensions.

I N T E R R E G N U M.

Feed. ii. 1090.

ON the news of the Queen's death, Robert Bruce Lord of Anandale, descended from the second daughter of David Earl of Huntingdon, unexpectedly appeared at Perth with a formidable retinue*. He affected to keep his intentions concealed. The Earls of Marre and Athole† assembled their followers; parties began to form; the miseries of a disputed succession and an intestine war approached.

John Balliol Lord of Galloway, descended from the eldest daughter of David Earl of Huntingdon, appears to have resided in England at this critical period; yet he had a secret friend in the Scottish regency, who watched over his interests with dark and dangerous policy. This was William Frazer Bishop of St Andrew's. 'We shall be involved in blood,' said he to Edward, 'unless the Most High provide an instant
'remedy,

* The Bishop of St Andrew's informed Edward, that Bruce had been instigated to this by certain persons, 'ad interpellationem quorundam.' It may be conjectured, that Robert Wisheart Bishop of Glasgow is here meant.

† Donald tenth Earl of Marre, John de Strathbolgie, of the family of Fyfe, Earl of Athole in right of his wife Adda.

1290.

‘remedy, by your prudent interposition.’ After having mentioned a report of the Queen’s recovery, he added, ‘*Should John de Balliol present himself before you, my counsel is, that you treat [or confer] with him, so that, in all events, your honour and interest may be preserved**. Should the Queen die, which heaven forefend, I entreat that your Highness may approach our borders, to comfort the people of Scotland, and prevent the effusion of blood, that the faithful of the land may be enabled to preserve their oath inviolated, and prefer him to be King who ought of right to inherit; provided always, that he be willing to follow your counsel †,’ [7th October 1290.]

Edward was too sagacious not to discern the full import and utility of this base proposal. Instructed by his Scottish counsellor, he prepared to visit the north of England; but the indisposition and death
of

Trivet. 268.

* ‘*Si Dominus Johannes de Balliolo venerit ad praesentiam vestram, consulimus, quod cum ipso tractare curetis, ita quod in omni eventu honor vester et commodum conserventur;*’ *Foedera*, T. ii. p. 1091. From these expressions we may conclude, that the Bishop was no stranger to the measures which Edward, *for his honour and interest*, would probably adopt. Some authors have concluded, that Bishop Fraser was the chaplain of Edward, from the title of *capellanus vester* which he assumes; *Abercrombie*, vol. i. p. 462. *Biograph. Britan.* article *Balliol*.

This, however, I imagine to be a mistake, *capellanus vester* seems to imply no more than what, in a later age, *your oratour and bedesman* implied. Cardinals, if I remember aright, were wont to assume the title of *capellanus vester*, in their addresses to sovereign princes.

† ‘*Dignetur, si placet vestra Excellentia, versus marchias ad consolationem populi Scotici, et ut effusioni sanguinis pareatur, appropinquare; ita quod fideles regni sum possint sacramentum conservare illaefum, et illum praeficere in regem qui de jure debeat haereditare, dum tamen ille vestro consilio voluerit adhaerere;*’ *Foedera*, T. ii. p. 1091. I know not what is meant by *the oath* here mentioned. The letter from the Bishop of St Andrew’s is dated thus: ‘*Apud Locris, die Sabbati in crastino Sanctae Fidis Virginis, anno Domini 1290.*’ *Locris* is now called *Leuchars* in Fyfe. The festival of St Faith was celebrated on the 6th October; this letter, therefore, was written 7th October 1290.

1290.

Walsingham,
54.
Foed. ii. 498.

of his beloved consort Eleanor interrupted, for a while, the projects of ambition. She died in Lincolnshire, [28th November.] He returned to Westminster, and *there* paid the last honours to the faithful companion of all his fortunes.

1291.

Ford. xi. c. 3.
W. Heming-
ford, i. 31.

It is an opinion generally received, that the people of Scotland, perplexed with the pretensions of different competitors, and dreading a civil war, agreed to leave *the succession* to be determined by Edward. It is said, 'That the practice at that time, in controversies between states and princes, seems to have been, to chuse a foreign prince, as an equal arbiter, by whom the question was decided;' that the Scots sent the Bishop of St Andrew's, the Abbot of Jedworth, and Galfrid de Moubray, as their deputies to Edward, *then in Gascony*, notifying their resolutions, and claiming his good offices.

Foed. ii. 496.
499.

That Edward was not in Gascony during that winter, is certain from authentic records *.

Whether

* Edward returned from Gascony about the feast of the Assumption, 1289; *Trivet*, p. 266. He did not cross the seas in 1290, nor in 1291; he was at Kingsclipston 14th and 23d October 1290.; *Foedera*, T. ii. p. 496. He held a parliament *there* 29th October 1290; *Ryley*, p. 63. He certainly attended his Queen in her last moments; she died at Hareby in the division of Lincolnshire, called Bulinbroke; *Walsingham*, p. 54. *Camden's Britannia*, by Gibson, p. 479. He celebrated her funerals at Westminster 17th December 1290; *M. Westm.* p. 412. He was at Asheridge in Buckinghamshire, 3d January 1290-1; *Foedera*, T. ii. p. 499. He held a parliament *there*, 7th January 1290-1; *Ryley*, p. 66. In like manner might he be traced from records throughout the year 1291. Hence it may be concluded, that the Scottish deputies did not follow Edward into Gascony. Fordun minutely relates the whole progress of their journey, L. xi. c. 3.; he adds, that they returned to Scotland while a parliament was sitting at Clackmannan, and while a report went of the pregnancy of the Queen-dowager: This circumstance shows, that Fordun, by a strange anachronism, has placed in 1290 or 1291, what may have happened in the year of the death of Alexander III. Edward was indeed in France in 1286; *Foedera*, T. ii. p. 320. 324. &c.

But,

1291.

Whether such a resolution was ever taken by the Scottish nation, or such an embassy sent, is doubtful.

Invited, or not invited, Edward resolved to regulate the succession *Foed. ii. 525.* to the crown of Scotland, and, under pretence of that succession, to revive his own obsolete and renounced claim of feudal sovereignty. He commanded the barons of Yorkshire, Lancashire, Westmoreland, Cumberland, and Northumberland, to assemble at Norham with all their powers, *six weeks after Easter* *, [i. e. on the third of June]. John Balliol and Robert Bruce are among the northern barons to whom this order is directed.

Edward

But, it may be said, that although the Scottish deputies did not follow Edward into Gascony, they may have been appointed by parliament to make known the national resolutions to him. This depends altogether on the testimony of *W. Hemingsford*, T. i. p. 30. who thus speaks: ‘ Custodes praedicti, praecavere volentes ne forte seditio crearetur in populo, de consilio magnatum regni Scotiae miserunt ad Regem Angliae, ut in tanto dubio ejus consilio fruerentur, qui, remissis nunciis, Episcopis scilicet Dunelmiae et Karleoli, cum Domino Johanne de Vesci, verbis pacificis et suaforiis exhortatus est eos, ut ordinationi suae, quantum ad successionem regni Scotiae ordinandam, se sponte subponerent. Qui, convocato parlamento, et communicato communi consilio, ordinationique omnes quasi magnates litteratoriè submiserunt; unde praedictus Rex, convocatis magnatibus suis et clero, tenuit parliamentum suum apud Norham, quasi in confinio utriusque regni, in quindena Paschae, anno Domini 1291.’

It must be acknowledged that this testimony is express; nevertheless it is inconsistent with Edward’s own declaration; *Foedera*. T. ii. p. 543. I make no doubt that many of the nobility, under the influence of the Bishop of St Andrew’s, and of such politicians as the Bishop of St Andrew’s, may have solicited the interposition of Edward; neither is it improbable that all the competitors may have concurred in that solicitation; but I see no sufficient evidence that the measure was national.

* ‘ Mandamus vobis, in fide et homagio, quibus nobis tenemini, firmiter injungentes, quod cum equis et armis, et toto servitio, quod nobis debetis, sitis ad nos apud Norham, a die Paschae proximo futuro in sex septimanas, ad faciendum nobis servitium vestrum praedictum;’ *Foedera*, T. ii. p. 525. Easter-day happened that year on 22d April; consequently, the day of rendezvous was 3d June. This is a material date, and ought to be remembered.

1291.

Edward desired the nobility and clergy of Scotland to meet him at Norham, but on an earlier day *.

On the 10th May 1291, the nobility and clergy of Scotland repaired to Norham, within the English territories, and there had a fatal conference with Edward.

Edward commanded Roger le Brabanzon, justiciary of England, to inform the assembly, in his name, 'that he had considered the difficulties in which the kingdom of Scotland was involved by the death of Alexander, and his offspring, and the dangers arising from a disputed succession: That his good-will and affection to the whole nation, and to each individual in it, were sincere; for, in their defence, he himself was interested: That he had called the Scots to meet him at this place, with the view that justice might be done to all the competitors, and the internal tranquillity of the kingdom established: That he had undertaken a long journey to do justice, in person, to all, as Superior, and Lord Paramount of the kingdom of Scotland: That he meant not to encroach on the rights of any man; but, on the contrary, as Lord Paramount, to administer ample and speedy justice to all †.'

That

* 'Vos in haec quindena Paschae proximè praeteriti, ad locum istum accedere per suas literas requisivit, propter aliqua quae vobis intendebat, et adhuc intendit, exponere et monstrare;' *Foedera*, T. ii. p. 543. This seems to imply that Edward proposed to hold the conference during the *Easter-holidays*: It was, however, delayed until the 10th May 1291. Our historians and the English dispute as to the sense of the word *requisivit*, whether it means *required* or *requested*. I take no share in this momentous controversy.

† This speech was composed in Latin by William Hotham, Provincial of the Pre-dicant Friars in England, and delivered in French by Roger le Brabazon; *W. Hemingford*, T. i. p. 33. But the speaker judiciously threw aside some of the choicest flowers of monkish rhetoric. Such as this: 'The reprobate Saul, from his shoulders and upwards higher than any of the people, oppressed the Israelites; whereas our Sovereign Lord, by his pious benignity, raises up and supports those over whom the Prince of Peace hath elevated him.' There is plainly an allusion in this passage to the remarkable stature of Edward—It was indeed a most unfortunate common-place.

The notarial instrument in which these proceedings are recorded has been printed by Rymer, as noted here, and by Prynne, iii. 478-530. It is a curious fact that these instruments vary in a manner which cannot be accounted for by supposing that the differences originate in the errors of copying. *Foed. ii. 543.* but there is no variation of any importance in the sense, as far as I have observed. *Johannes Bliu de Cadomo*, the notary public by whom they are drawn up & attested, was appointed to the archdeaconry of Glendelwyn in Ireland. *the Rot. Pat. 24 Edw. I. m. 19. & magro Joh. de Cadamo de archidiaconatu de Glyndelwyn.* Here I am wrong, the two copies are drawn up by Andreas, quondam Guilielmi de Tang, the Chapter House master by Joh. Bliu de Cadamo. I have subsequently collated the two copies with Prynne, and find that an new edition is necessary, while lines being omitted. *Sir F. Palgrave* told me, Sept. 1835, that the Chapter House rolls are so much decayed as to require mending before they can be used.

1291.

That his purposes might be the more effectually accomplished, he required their hearty recognition of his title as *Lord Paramount*, and he declared his willingness to use their advice in the settlement of the nation.

The whole assembly stood motionless and silent. At length, some *Walsingh. 56.* one had the courage to utter these words: 'No answer can be made, while the throne is vacant.' 'By holy Edward,' cried the King, 'By holy Edward, whose crown it is that I wear, I will vindicate my *W. Hemingford. i. 33.* just rights, or perish in the attempt!'

The Scots requested a delay, that they might inform those who *Feod. ii. 543.* were absent, and have an opportunity of consulting together. 'You were all sufficiently informed,' said Edward, 'by the tenor of my summons; I give you, however, a delay till to-morrow *.'

On the 11th May, the Scots renewed their request for a delay: *Feod. ii. 544.* Edward allowed them the term of three weeks, at which period he required them to return a definitive answer. By that time, he knew that the barons, whom he had summoned to meet him at Norham, would be assembled in arms.

It has been said, that the Scots durst not contradict the demands of *Abercrombie, i. 465.* Edward, 'for that he had all the forces of England at hand, and just ready to massacre every one of them, in case of a peremptory refusal;' but this is vain declamation. On the 10th May, the forces of Edward were not assembled at Norham. Had he meant to have employed instant violence, he would not have demanded the assistance of Bruce and Balliol, nor have suffered the Scots to depart into their own country

* Such I take to be the sense of the expression in *Magnus Rotulus Scotiae*; 'Super quo tandem, licet per praefatum Dominum sufficienter, ut proponebatur, fuissent antea praemuniti, quid idem Rex duceret faciendum, fuit eis terminus per eundem proximus dies, videlicet dicti mensis dies undecimus, assignatus;' *Foedera*, T. ii. p. 543.

1291.

country for three weeks. The truth is, and it must be acknowledged, that the Scots had more formidable enemies than Edward, however powerful and politic. Their mutual distrusts and animosities, the treachery of Frazer the regent, and the pusillanimous time-serving ambition of the competitors, all fought for Edward, and conspired to overthrow the national independency.

Foed. ii. 528.

During the interval which Edward indulged to the Scots, he perceived that the assembling them within the territories of England was a measure rash and impolitic, and tending to excite jealousies; he, therefore, by a formal instrument, declared, that the meeting at Norham should not be held as a precedent, [31st May 1291.]

Foed. ii. 546.

On the 2d June, Edward gave audience to the Scots in an open field near Upsettlington, on the north bank of the Tweed, opposite to the castle of Norham, and within the territory of Scotland.

Foed. ii. 544.
Dug. Chron.
series, 24.

Robert Burnel Bishop of Bath and Chancellor of England, in the King's name, resumed the proceedings of the former assemblies. He added, that, 'by various evidences, it sufficiently appeared, that the English Kings were Lords Paramount of Scotland, and, from the most distant ages, had either possessed *or* claimed that right *; that Edward had required the Scots to produce their evidences or arguments to the contrary, and had declared himself ready to admit them, if more cogent than his own; and, upon the whole matter, to pronounce righteous judgement: That, as the Scots had produced nothing, the King was resolved, as Lord Paramount, to determine the question of *the succession*.'

At this assembly there were present *eight* persons, who under various titles laid claim to the crown. 1. Robert Bruce Lord of Annandale.

2. Florence

* Such I understand to be the import of the words, 'in cujus possessione, *vel quasi* possessione, antecessores et progenitores sui Angliae Reges, a longissimis temporibus retroactis fuerunt;' *Foedera*, T. ii. p. 545.

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2. Florence Count of Holland. 3. John de Hastings Lord of Abergavenny. 4. Patrick de Dunbar Earl of March. 5. William de Ros. 6. William De Vesci, appearing by his attorney. 7. Robert de Pinkeny. 8. Nicholas de Soulis.

The Chancellor, turning to Robert Bruce, demanded, in presence of *Foed. ii. 545.* the assembly of both nations, ‘Whether he acknowledged Edward as ‘Lord Paramount of Scotland, and whether he was willing to ask ‘and receive judgement from him in that character?’

Bruce *expressly, definitively, publicly, and openly* declared his assent *.

The same questions were put to each of the other competitors present: The same answer was made by each. The whole form of this business appears to have been preconcerted.

Sir Thomas Randolph then said, in the name of John Balliol Lord of Galloway, ‘That he had mistaken the day appointed for the adjourned meeting;’ he, therefore, requested, that Balliol might be admitted to answer in person on the morrow †.

3d June, Balliol appeared in person. The Chancellor demanded, *Foed. ii. 549.* ‘Whether he was willing to make answer as the other competitors had ‘done?’ Balliol, after an affected pause, and seeming recollection, pronounced his assent ‡.

The

* ‘Finaliter, expresse, publice, et aperte,’ are the words used in this memorable instrument; *Foedera*, T. ii. p. 545.

† There is no necessity for the vulgar hypothesis, ‘That the absence of Balliol was ‘intentional, lest he should give offence to the Scottish nation;’ he could not give less offence by appearing *singly*, than if he had appeared in the croud of competitors. As Edward had granted a delay for *three weeks*, it was not unreasonable to suppose, that a term of three weeks, from the time of granting the delay, was understood: Hence Balliol may have indeed mistaken the day appointed for the adjourned meeting.

‡ The words of the record are, ‘congruâ deliberatione praehabitâ;’ *Foedera*, T. ii.

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Foed. ii. 551.

The Chancellor then protested, in name of the King, 'That, although
' he now asserted his right of *superiority*, with the view of giving
' judgement to the competitors ; yet that he meant not to relinquish
' his right of *property* in the kingdom of Scotland, acclamable here-
' after in fit manner and time convenient.'

This was a most insidious refinement in politics. Hitherto all parties had proceeded on the opinion that the crown of Scotland was descendible to *heirs-female*. On this footing it was that the competitors claimed, and made their general reference to Edward. Edward, having once procured the reference, made a wide stretch, and protested that his claim of *property* might be reserved entire. He thereby intimated, that the kingdom of Scotland was a *male-fief*, and not descendible to *heirs-female* ; and consequently, that it had returned to himself as *Lord Paramount*, in default of *heirs-male*. Thus, if any of the competitors should hereafter dispute his right of *superiority*, Edward reserved his right of *property*, to be asserted *in fit manner and time convenient*.

Foed. ii. 551.

The King himself now spoke. He recapitulated the proceedings in this assembly ; he repeated all that his ministers had said in his name ; he talked much of his affection for the Scottish nation ; he boasted, that for their sake he had postponed all other business, and that he had declined no fatigue, in order to procure the settlement of Scotland. He declared, that he would pronounce a speedy and impartial judgement in the great controversy, secure the observance of the good and laudable customs and laws of Scotland, redress every abuse, and establish the national tranquillity.

Expressing his trust in the divine aid, and his hope that the whole
business

p. 549. They are remarkable words. Nothing of the same nature occurs in the answers made by the other competitors. I call the pause *affected* ; because it is manifest, that Balliol, as well as the other competitors, knew what questions were to be put by the Chancellor of England.

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business would be conducted to the glory of God, he again protested, 'that his claim to the property of Scotland should remain entire.'

Balliol, with officious servility, approached the Lord Paramount, acknowledged his right of *superiority*, and craved his judgement.

John Comyn, Lord of Badenoch*, one of the regents, made like acknowledgements, and obtained permission to be heard on *his* claim as a competitor. *Feod. ii. 552.*

The whole *ten* competitors immediately sealed an instrument, of the following tenor: 'For as much as the King of England has evidently shown to us, that the sovereign feignory of Scotland, and the right of determining our respective pretensions belong to him; we, therefore, of our own free will, and without compulsion, have agreed to receive judgement from him, as our Lord Paramount, and we become bound to submit to his award †,' [3d June 1291.] *Feod. ii. 553.*

Edward hastened to adjust the preliminaries of his decision. It was agreed, by the unanimous voice of the assembly, that Balliol and Comyn for themselves, and for the competitors who approved of their list, should name *forty* commissioners; that Bruce for himself and for the competitors who approved of his list, should name other *forty* ‡; that,

* Commonly called *the Black Comyn*. He must be distinguished from John Comyn the younger of Badenoch, commonly called *the Red Comyn*.

† At Norham, 'le Mardi prochain apres la ascension;' i. e. 3d June 1291. Ascension-day fell that year on the 1st June.

‡ The lists of commissioners were made up and delivered on the 5th June; *Foedera*, T. ii. p. 556. This is an additional evidence, that the business had been previously settled. In Bruce's list there appear to have been 22 laymen and 18 ecclesiastics. In Balliol's, 25 laymen and 15 ecclesiastics: But, in Balliol's list, all the ecclesiastics are dignified clergymen, viz. six Bishops, eight Abbots, and the Archdeacon of Dunkeld; whereas, in Bruce's list, there are only five dignified clergymen, viz. two Bishops, two Abbots, and the Dean of Aberdeen. It is singular, that Patrick Earl of March, himself

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that, to them, Edward should add *twenty-four*, or a greater or less number : That those commissioners should examine the cause deliberately, and make their report to Edward.

Foed. ii. 529.

4th June. All the competitors agreed, that seifine of the kingdom of Scotland and its fortresses should be delivered to Edward ; ‘ because,’ said they, ‘ Judgement cannot be without execution, nor execution ‘ without possession of the subject of the award.’ But this was under condition that Edward should find security to make full restitution in two months from the date of his award, and that the interim revenues of Scotland should be preserved ; reasonable allowance being always made for the expences of government.

Foed. ii. 554.

11th June. The Regents of Scotland made a solemn surrender of the kingdom into the hands of Edward : The keepers of castles made a like surrender of their castles.

Edward immediately restored the custody of the kingdom to the regents, Frazer Bishop of St Andrew’s, Wisheart Bishop of Glasgow, John Comyn of Badenoch, and James the Stewart of Scotland.

By the command of Edward, the regents appointed Alan Bishop of Caithness, an Englishman, to the office of Chancellor : Edward confirmed the choice, and added Walter of Agmodsham as his associate in office *.

12th

self a competitor, should stand on Bruce’s list. We might assure ourselves, without consulting the record, that Frazer Bishop of St Andrew’s, early in his recommendation of Balliol, stood on Balliol’s list.

* Edward appointed a salary of five marks weekly to the Bishop of Caithness, and of two marks and one half weekly to Walter of Agmodsham ; *Foedera*, T. ii. p. 532, [28th June 1291, at Berwick.] There are several circumstances in their oaths of office, which merit the attention of an inquisitive reader ; *Foedera*, T. ii. p. 557. By this time *Alexander de Balliol* had been appointed *Chamberlain of Scotland* ; the precepts for payment of the salaries are addressed to him. The Bishop of Caithness made oath, ‘ unicuique de regno praedicto in omnibus, quae ad idem spectant officium, exhibere ‘ iustitiae complementum, literis gratiae ipsi domino Regi specialiter reservatis.’

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12th June. Gilbert de Umfraville Earl of Angus, held the castles *Foed. ii. 531.* of Dundee and Forfar. He said, that he had received them in charge from the Scottish nation, and that he would not surrender them to England, unless Edward and all the competitors joined in an obligation to indemnify him. Edward and all the competitors submitted to the conditions required by Umfraville, the only Scotsman who acted with integrity and spirit, on this trial of national integrity and spirit!

15th June. Edward appointed Bryan Fitzallan to be joined in commission with the Scottish regents. The Scottish regents, Bruce, and his son, Balliol, and many of the principal Scottish barons, swore fealty to Edward. The only ecclesiastic who performed the disgraceful ceremony, was Mark Bishop of Sodor*.

The peace of the King, as Lord Paramount of Scotland, was then *Foed. ii. 559.* proclaimed. The assembly adjourned to the 2d August.

I have made this ample recital of the transactions at Norham and Upsettlington-green; because many material circumstances of that disgraceful story have been omitted or misunderstood by former historians.

Edward transmitted copies of the proceedings concerning the homage and compromise to different monasteries in England, and commanded them to be engrossed in their chronicles †. *W. Hemingford, i. 36.*

Although

* The barons swore *tañtis evangelis*; the Bishop, *præsentibus evangelis*. In the list of the jurors, Bruce, his son, and Balliol are placed before the Earls; John Comyn Lord of Badenoch is placed immediately after the Earls, and before *the steward*.

Of the Bishop of Sodor, who brought the first fruits of servility to the feet of Edward, Keith thus speaks: 'He suffered much for his fidelity to his country and loyalty to his Prince;' *Catalogue of Scottish Bishops*, p. 180.

Happy, when evil lights on such alone!

† 'Ut in cronicis ponerentur ad perpetuam rei gestae momoriam;' *W. Hemingford*, T. i. p. 36. [at Westminster, 9th July 1291.]

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Foed. ii. 573. Although he had consented that judgement should be pronounced *in* Scotland on this occasion; yet he protested that this should not debar him from pronouncing judgement *in* England, whenever a like case occurred. So eager was he to establish his new right in its utmost rigour! [at Berwick, 3d July 1291.]

Foed. ii. 533. Edward, at the same time, ordered, that no exception should be received in the King's Bench against *breves* produced or returned *there*, which bore date in Scotland, 'for that the two kingdoms are now 'joined, by reason of the right of superiority over Scotland which the 'King of England enjoys *.'

Foed. ii. 573. An universal homage was now required †. All who came, were admitted to swear fealty. They who came and refused, were to be arrested, until performance; they who came not, but sent excuses, to have the validity of their excuses tried in the next parliament; they who neither came nor sent excuses, to be committed to close custody.

Foed. ii. 567. During the course of this summer, many ecclesiastics, barons, and
—572. even simple burghesses, swore fealty to Edward.

Foed. ii. 574. The competitors now put in their claims, at the meeting of the auditors, [Berwick, 3d August 1291.]

I. *Florence Earl of Holland*, claimed as great-grand-son of Ada, daughter of Henry Prince of Scotland, and sister of William the Lion, King of Scots.

Foed. ii. 576. II. *Robert de Pinkeny*, claimed as great-grand-son of Marjory, daughter

* Nothing can be plainer than this; and yet we have seen it remarked, that in *Rymer*, T. ii. p. 533. Edward writes to the King's Bench to receive *appeals* from Scotland, as if '*brevia Regis in banco Regis porrecta vel ritornata de data dierum et locorum infra idem regnum Scotiae mentionem facientia*,' could possibly mean *appeals*, or any thing resembling *appeals*!

† 'Custodes regni, debent capere juramenta fidelitatis ab Episcopis, Comitibus, 'Baronibus, Magnatibus, et aliis nobilibus, de liberè tenentibus, et aliis universis;' &c. *Foedera*, T. ii, p. 573.

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daughter of Henry Prince of Scotland, and sister of William the Lion, King of Scots*.

III. *William de Ros*, claimed as the great-grandson of Isabella, said *Foed. ii. 576.* to have been the eldest daughter of William the Lion, King of Scots.

IV. *Patrick Earl of March*, claimed as the great-grandson of Ilda *Foed. ii. 575.* or Ada, daughter of William the Lion, King of Scots.

V. *William de Vesci*, claimed as grandson of Marjory daughter of *Foed. ii. 576.* William King of Scots.

VI. *Patrick Galythly*, claimed as the son of Henry Galythly, who *Foed. ii. 577.* was the lawful son, as he contended, of William King of Scots.

VII. *Nicolas de Soulis*, claimed as grandson of Marjory the daugh- *Foed. ii. 577.* ter of Alexander II. and wife of Allan Durward, or *le Huiſſier*.

VIII. *Roger de Mandeville* had made no claim at the congress of *Foed. ii. 577.* Norham or Upsettlington; he now made a claim, in a form most singular. William King of Scots, according to his account, had a son and two daughters: On death-bed, he delivered them to his brother Malcolm King of Scots; Malcolm procured the son to be murdered: One of the daughters died; the other, named Aufrica, was married in Ulster to William de Say: They had an only son William: He had an only child, Aufrica, married to Robert de Wardone: They had an only

* The authenticity of this pedigree is doubtful; it is therein said that Marjory had a daughter Alicia; but the name of the husband of Marjory is not mentioned. Robert de Pinkeny was so little acquainted with the genealogy of the royal family, that he supposed Alexander I. to have been the son of William the Lion, and the father of Alexander II.

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only child Agatha, the mother of the claimant Roger de Mandeville *; he requested that an inquisition might be taken in England, Ireland, and Scotland, for verifying this story.

Foed. ii. 577.

IX. *John Comyn Lord of Badenoch*, produced a long genealogy, from which he concluded that he was the great-great-grandson of Donald Bane, who once reigned in Scotland; and therefore, that he was the righteous heir to the crown.

Walsingham,

59.

Torfaeus. hist.

Norveg. iv:

381.

X. *Eric King of Norway*, put in his claim, not long after, as heir to his infant daughter Margaret †.

The claims of the competitors hitherto mentioned could not stand the test of an accurate inquiry.

As

* Here is his pedigree, drawn up in common form.

William King of Scots.

|

1. Aufrica = William de Say.

|

2. William de Say.

|

3. Aufrica = Robert de Wardone.

|

4. Agatha = de Mandeville.

|

5. Roger de Mandeville.
competitor.

† He also claimed the revenues of Scotland which had become due in the lifetime of Margaret, because he was her administrator-in-law, and had made large disbursements on her account. He, moreover, demanded the penalty of 100,000 pounds Sterling, incurred by the Scottish nation, through their not receiving the Queen, and not yielding obedience to her, in terms of their covenant; as if her death had not voided the obligation! With more modesty, and shew of reason, he demanded 200 marks yearly, to supply the deficiencies of his wife's portion. It had been estimated at 700 marks yearly; but, as Eric contended, it amounted to no more than 500 marks; *M.*

Walsingham, p. 59.

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As there existed descendants of David Earl of Huntington, the *brother* of William King of Scots, it follows, that *the Count of Holland* and *Robert de Pinkeny* had no right: For they claimed on their descent from the *sister* of William.

William de Ros, *Patrick Earl of March*, and *William de Vesci*, were all descended from *illegitimate* daughters of William King of Scots.

The claim of *Patrick Galythly* was ridiculous: Because, if his father was born to William in lawful wedlock, it followed, that Alexander II. and his offspring ought never to have reigned. Ermengarde the mother of Alexander II. survived her husband William. Henry Galythly, therefore, if born in wedlock, must have been born before the marriage of Ermengarde.

If *Nicolas de Soulis* was descended of Alexander II. as his claim set forth, it was by a natural daughter of that Prince. [See above, anno 1251.]

John Comyn of Badenoch could have no title, unless upon the hypothesis, that Malcolm III. and all his descendants, during the course of two centuries, were to be held usurpers.

The demand of *the King of Norway* was made, because other demands, not more plausible, were made. While he claimed the kingdom of Scotland, he also claimed 200 marks yearly, as the deficiencies of his wife's portion. This shews, that he had no hopes of success in his extravagant pretensions.

As to the claim of *Roger de Mandeville*, it supposed, contrary to the truth of history, that Malcolm IV. was the successor of William the Lion; it represented him, contrary to all probability, as a treacherous murderer; and, in proof of all this, it demanded that a general inquiry might be made throughout three kingdoms.

Before sentence, all these frivolous competitors either renounced *Feod. ii. 589.* their pretensions, or withdrew their appearance.

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The

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The other competitors were the descendants of David Earl of Huntington, the brother of William King of Scots.

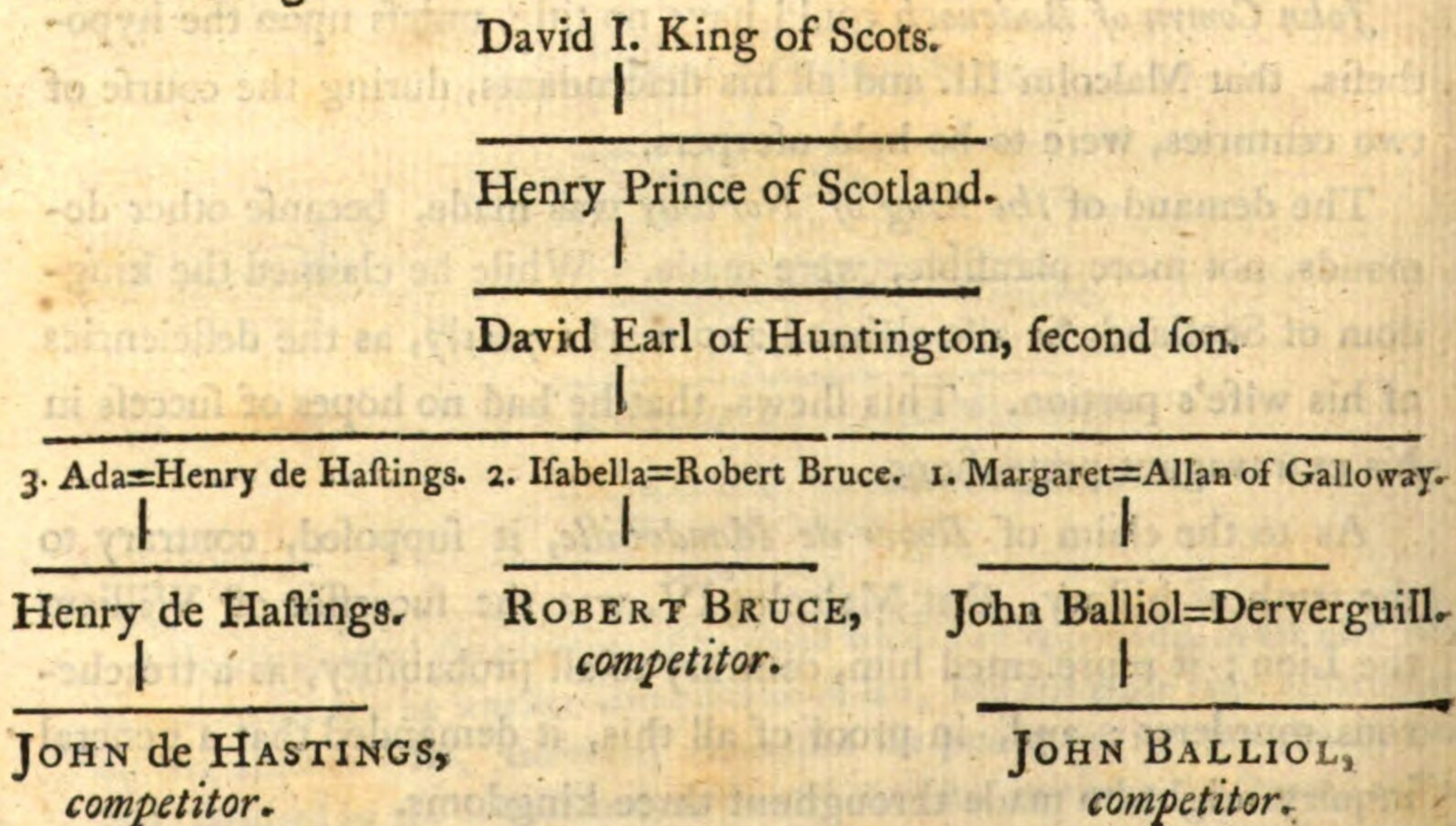
David Earl of Huntington had a son John, who died without issue, and three daughters, 1. Margaret, married to Allan of Galloway. 2. Isabella, to Robert Bruce. 3. Ada, to Henry Hastings.

Foed. ii. 578. John Balliol claimed the kingdom, as being the son of Derverguill, who was the daughter of Margaret, the eldest daughter.

Foed. ii. 579. Robert Bruce claimed the kingdom as being the son of Isabella, the second daughter.

Foed. ii. 578. John Hastings the son of Henry Hastings, who was the son of Ada, the third daughter, contended that the kingdom of Scotland was partible, like other inheritances; and therefore claimed one third of the kingdom.

The Pedigree of the three competitors will be fully understood from the following scheme.



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Foed. ii. 580. The Scottish commissioners heard parties, and made a report to Edward. Edward, by the advice of the commissioners and of the prelates
581.

1292.

lates and nobles of both kingdoms, ordered the claims of Bruce and Balliol to be *first* heard. Although the claims of the other competitors were reserved, this preliminary judgement did, in effect, determine, that the crown must belong to the descendants of David Earl of Huntingdon.

Edward required the commissioners to make oath, 'that they would faithfully advise him by what laws and usages the question ought to be determined.'

They unanimously made answer, 'That, in this case, arduous, and without example, they could not advise him, for that they themselves differed in judgement, as to the laws and usages of Scotland:' They said, that a fuller deliberation was necessary; and, therefore, they requested the assistance of the English commissioners *.

The commissioners of the two nations had a conference. In consequence of it, they made this memorable report to Edward: 'That there appeared a diversity of opinions among the fourscore Scottish commissioners, by whose advice, if unanimous, the King ought to have regulated his judgement. That the English commissioners were few in number; that there were others in England of more authority and wisdom than they; and, therefore, that in a matter so high, they themselves would not presume to give their advice, without hearing the better judgement of the prelates, nobility, and other wise men of England,' [2d June 1292.]

Edward, in consequence of this self-denial, appointed a parliament to assemble at Berwick on the 15th day of October 1292.

Meanwhile,

* This is singular. Edward desired to know what law ought to be the rule of judgement. The Scottish auditors, instead of returning a direct answer, said, that they themselves differed in judgement, either as to *the law of Scotland*, or with respect to its application to this case. They therefore requested the aid of the English auditors, men who certainly could not know *more* of the Scottish laws and usages, than the Scots themselves did!

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Meanwhile, he desired all persons present of both kingdoms to study the case, and to consider what ought to be done.

He declared, that, for the more accurate determination of the cause, he would consult the learned in foreign parts.

Ford. xi. 3.
—9.

Fordun avers, that, long before this time, Edward consulted foreign lawyers. He has recorded *the case* and *the opinions*. The case is imperfectly put; the opinions are irreconcilably different*.

Foed. ii. 582.

At Berwick, on the day appointed, Edward put *three* questions to his parliament and to the commissioners: To all the questions they made unanimous answers.

1st *Question*. ‘By what laws and usages ought judgement to be given?’

Ans. ‘The King ought and should decide according to the laws and usages of the kingdoms over which he reigns; if there are any such laws and usages applicable to the present case.’

2d *Question*. ‘If there are none such, or if they are different in England and Scotland, how ought judgement to be given?’

Ans. ‘The King may and should make a new law, with the advice of his great men.’

3d *Question*. ‘Ought the succession to the crown of Scotland to be decided in a different manner than the succession to earldoms, baronies, and other inheritances by tenure?’

Ans. ‘The succession to the crown of Scotland ought to be decided in the same manner as the succession to earldoms, baronies, and other *indivisible* inheritances by tenure.’

Bruce

* The opinions would not interest any readers but lawyers; in truth, they do not seem to have been the ground-work of the judgement. There is an historical observation in *Fordun*, L. xi. c. 7. which I do not recollect to have seen elsewhere. He says, that William de Ros pretended, that his great grandmother Isobella, the daughter of William the Lion, had been legitimated: I should have imagined that the observation would have been rather applied to Marjory, the daughter of Alexander II. and grandmother of Nicolas de Soulis.

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Bruce and Baliol demanded a further hearing. They urged their respective pleas and answers at great length. I will make a faithful and concise report of them, to the best of my judgement.

Bruce pleaded, *first*, that Alexander II. despairing of heirs of his own body, had declared, that he held Bruce to be his right heir. It may be proved, by the testimony of persons still alive, that he declared this with the advice, and in the presence of the good men of his kingdom. Alexander III. gave his familiars to understand, that, failing issue of his own body, Bruce was his right heir. Moreover, the people of Scotland took an oath for maintaining the succession of the nearest in blood to Alexander III. who ought of right to inherit, failing Margaret the maiden of Norway and her issue.

Balliol answered, that nothing could be concluded from the acknowledgement of Alexander II. for that he left heirs of his body. Balliol made no answer to what was said of the sentiments of Alexander III. and of the oath made by the Scottish nation to maintain the succession of the next in blood*.

Bruce:

* The first argument of Bruce is confidently urged, and feebly opposed. Balliol's counsel ought to have answered thus: 'The opinion of Alexander II. supposing it to have been given, cannot vary the rules of succession: The proof offered is inadmissible. The constitution of Scotland, and the fate of the competitors, must not depend on the testimony of witnesses concerning words occasionally heard more than half a century ago. If Alexander II. had had any intention of establishing the succession in favour of the descendants of the *second* daughter of his uncle the Earl of Huntingdon, it was a measure necessary to have been proposed in the great council of the nation; but it was not. The situation of the royal family renders it incredible, that Alexander II. ever uttered the words which Bruce ascribes to him; and pretends to prove by the evidence of witnesses, certainly superannuated, probably not impartial. While the sisters of Alexander II. and while John the Scot, Earl of Chester, lived, Alexander could not say, that, failing his own issue, Bruce was next heir to the crown. Now, we know that the Earl of Chester lived till 1237. We do not

pre-

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Bruce pleaded, *secondly*, that the right of reigning ought to be decided according to that natural law whereby kings reign, and not according to any law or usage in force between subject and subject: That, by the law of nature, the nearest collateral in blood has right to the crown. That the constitutions which prevail among vassals and subjects, bind not the lord, much less the sovereign. That, although in private inheritances, which are divisible, the eldest female heir has a certain prerogative; it is not so in a kingdom, which is indivisible: *There* the nearest heir of blood is preferable, whenever the succession opens.

Balliol answered: That the claimants were in the court of their Lord Paramount, and that he ought to give judgment in this case, as in the case of any other tenements depending on his crown; that is, by the common law and usage of his kingdom, and no other. That, by the laws and usages of England, the eldest female heir is preferred in the succession to all inheritance, indivisible as well as divisible.

Bruce

‘precisely know at what time the sisters of Alexander II. died; but we know that
 ‘one of them, Marjory, was married, in 1235, to Gilbert Earl Marshal of England.
 ‘Alexander therefore could not, before 1237, have supposed, that, failing issue of his
 ‘own body, Bruce was to be his successor. It is true, that, in 1237, Alexander had
 ‘no children; but he had no reason to despair of having children. In 1239, while of
 ‘middle age, he married a young woman: In 1241, she brought him a son, afterwards
 ‘Alexander III. Thus it is more than probable, that Alexander II. never uttered the
 ‘expressions ascribed to him by Bruce. What is said of Alexander III. is still more
 ‘vague. It is in vain to talk of what *he may have given his familiars to understand*.
 ‘In the solemn settlement of the succession in 1284, he made no provision beyond his
 ‘own issue. The oath taken by the people of Scotland in 1290 is willfully misrepresented: It made mention of *the nearest heirs who ought of right to succeed*, not of
 ‘*the nearest in blood*. Bruce perceived that the expression in the instrument 1290 left
 ‘entire the claims of every competitor; he therefore perverted the record by in-
 ‘terpolating the words, *in blood*.’ Such might have been the answer of Balliol. The
 answer which he made is evasive and nugatory.

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Bruce pleaded, *thirdly*, That the manner of succession to the kingdom of Scotland in former times made for his claim; for that the brother, as being nearest in degree *, was wont to be preferred to the son of the deceased King. Thus, when Kenneth M'Alpine died, his brother Donald was preferred to his son Constantine; thus, when Constantine died, his brother Edh was preferred to his son Donald; and thus the brother of Malcolm III. reigned after him, to the exclusion of the son of Malcolm III.

Balliol answered, That, if the brother was preferred to the son of the King, the example proved against Bruce; for that the son, not the brother, was the nearest in degree †. He admitted, that, after the death of Malcolm III. his brother usurped the throne; but he contended, that the son of Malcolm complained to his liege Lord the King of England, who dispossessed the usurper, and placed the son of Malcolm on the throne. That, after the death of that son, the brother of Malcolm III. again usurped the throne; that the King of England again dispossessed him, and placed Edgar, the second son of Malcolm, on the throne ‡.

Bruce

* 'Ratione proximitatis in gradu;' *Foedera*, T. ii. p. 582.

† 'In hoc probat, quod remotior in gradu succedendi praefertur proximiori; quia filius proximior est patri, in gradu hujusmodi succedendi, quam frater patris;' *Foedera*, T. ii. p. 584. Here Balliol attempted to answer Bruce's argument, without understanding it. Bruce supposed an ancestor to be a common stock; and the degrees to be the persons descending from that stock: Hence, the King's brother stood in one degree nearer the common stock than the King's son.

‡ The person whom Balliol calls 'the son of Malcolm III.' is Donald, held by our historians to have been a bastard. The proper answer to the examples from the history of Scotland, where the uncle excluded the nephew, seems to be this, that they were usurpations, begun under the specious pretence of guardianship to a weak or infant heir, and maintained by policy and violence; but that the nation, unsettled as it was, never acquiesced in such usurpations. Amid the irregularities of barbarous times,

it

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Bruce pleaded, *fourthly*, That there are examples in other countries, particularly in Spain and Savoy, where the son of the second daughter excluded the grandson of the eldest daughter.

Balliol answered, That examples from foreign countries are of no importance; for that, according to the laws of England and Scotland, where Kings reign by succession in the direct line, and Earls and Barons succeed in like manner, the issue of the younger sister, although nearer in degree, excludes not the issue of the elder sister, although more remote in degree; but the succession continues in the direct line; that is, in modern language, primogeniture and the right of representation prevail.

Bruce pleaded, *fifthly*, That a female ought not to reign; for that, she is incapable of governing. That, at the death of Alexander III. Derverguill, the mother of Balliol, was alive; and, as she could not reign, the kingdom devolved on him, Bruce, as the nearest male of the blood royal.

Balliol answered, That Bruce's argument was inconsistent with his claim: For that, if a female ought not to reign, Isobella the mother of Bruce ought not, nor Bruce who must claim through her. Besides, Bruce here denies what he himself had acknowledged by his own actions. He was one of the Scottish nobles who swore fealty to a female, the maiden of Norway.

Food. ii. 586.

The arguments having been thus stated on both sides, Edward required the Bishops, Prelates, Earls, Barons, and whole council, and all

it is impossible to trace any consistent order of succession. This seems to be the most probable hypothesis; there are, I doubt not, examples still more recent, of such usurpations in the history of private families. Here let me observe, by the way, that the competitors never appealed to the laws of Kenneth: They probably did not exist at the time of the great competition; and yet we have seen those laws ostentatiously quoted in our days, as authentic evidence of the ancient rules of succession in Scotland.

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all the commissioners, to advise him whether the arguments of Bruce or Balliol preponderated.

He also put this question to them. ‘ By the laws and usages of both kingdoms, does the issue of the eldest sister, though more remote in one degree, exclude the issue of the second sister, though nearer in one degree, or ought the nearer in one degree, issuing from the second sister, to exclude the more remote in one degree, issuing from the eldest sister?’

Whether *this* was a fair and full state of the question, I inquire not: Certain it is, that the whole parliament and all the commissioners un-animously made answer, * ‘ That, by the laws and usages of both kingdoms, in every heritable succession, the more remote in one degree lineally descended from the eldest sister, was preferable to the nearer in degree issuing from the second sister.’

On the 6th November 1292, Edward decreed, ‘ That Bruce should take nothing in the competition with Balliol.’ He appointed the claims of the other competitors to be heard. Foed. ii. 587.

John Hastings claimed one third of the kingdom of Scotland, in right of Ada the younger sister of Margaret and Isabella. He pleaded, ‘ That the kingdom of Scotland was a divisible inheritance; for that all lands, tenements, fees, liberties, lordships, and honours held in chief of the crown of England are divisible; that the homage and service due by Scotland to the crown of England, prove Scotland to be under the common law, and therefore divisible; that this was acknowledged by Balliol himself, who, in his claim, sought to have the controversy determined by the laws and usages of both kingdoms. This implies, that Scotland is subject to the common law, and therefore divisible.’

Bruce

* ‘ Ad quod omnes et singuli unanimiter, concorditer, et finaliter responderunt,’ &c. *Foedera*, T. ii. p. 586.

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Bruce also, in contradiction to his original claim, demanded one third of the kingdom, reserving always to Balliol, as descended from the eldest sister, 'The name of King, and the royal dignity.'

Foed. ii. 588. Edward put two questions to his council, [or parliament,] and to the commissioners: 1. 'Is the kingdom of Scotland divisible? If it is not divisible, are its revenues divisible *?'

They made answer unanimously, That the kingdom was not divisible; and that its revenues, if once in the hands of the sovereign, are not divisible.

Foed. ii. 588. On the 17th November, the final hearing of the competition came on, in the hall of the castle of Berwick upon Tweed.

Eric King of Norway, Florence Count of Holland, William de Vesci, Patrick Earl of March, William de Ros, Robert de Pinkeny, Nicolas de Soulis, and Patrick Galythly, eight of the competitors, withdrew their claims.

John Comyn and Roger de Mandeville appeared not; and therefore were held to have withdrawn their claims.

Edward decreed, that Hastings and Bruce should take nothing; for that Scotland, like other kingdoms, was indivisible †.

Foed. ii. 589. He then pronounced his definitive judgement. 'As it is admitted, that the kingdom of Scotland is indivisible, and as the King of England must judge of the rights of his subjects, according to the laws and

* 'An escaetae et acquisita sint partibilia;' *Foedera*, T. ii. p. 588. I give a loose translation of the words; a literal one would be uncouth.

† Edward gave this farther reason why Bruce should take nothing, that he had formerly admitted, that the kingdom of Scotland was indivisible: This was with the view of exposing the contradictions in the pleas offered for Bruce: It was, however, a weak reason on which to found judgement; for that, if the kingdom of Scotland was indeed divisible, no concession made by Bruce could alter its nature, and render it indivisible; and *this*, the more especially, because Bruce made that concession while he was claiming the whole kingdom, as being the nearest in degree.

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‘and usages of the kingdoms over which he reigns; and as, by the laws and usages of England and Scotland, in the succession to indivisible heritage, the more remote in degree of the first line of descent is preferable to the nearer in degree of the second; therefore, it is decreed, that John Balliol shall have seifine of the kingdom of Scotland.’

Edward, however, renewed his caveat, ‘That this judgment should not impair his claim to the property of Scotland *.’

Balliol was solemnly charged to be studious of doing justice to his people: Should he fail in this, the interposition of Edward, as Lord Paramount, was threatened.

Edward ordered the regents of Scotland, and the governors of castles to give seifine to Balliol of the kingdom and castles of Scotland, [19th November 1292.] *Feod. ii. 590.*

At the same time, the great seal used by the regents † was broken, and its fragments deposited in the treasury of England, ‘in testimony to future ages of England’s right of superiority over Scotland.’

Balliol swore fealty to Edward, [at Norham, 20th November 1292.] *Feod. ii. 591. 592.*

JOHN

* ‘Salvo jure ejusdem domini Regis Angliae, et haeredum suorum, cum voluerint inde loqui;’ *Foedera*, T. ii. p. 589.

† On the reverse of this seal, the figure of Saint Andrew was engraven, with the following inscription, ‘Andreas Scotis Dux est et compatriotis;’ see *Anderson’s Diplomata Scotiae*, No 38.

J O H N B A L L I O L.

*W. Heming-
ford. i. 37.*

JOHN BALLIOL was crowned at Scone *, on St Andrew's day, [30th November 1292.]

*Foed. ii. 593.
&c. i. 782*

He closed the humiliating scene by doing homage to Edward for the kingdom of Scotland, [at Newcastle upon Tyne, 26th December 1292.]

*Foed. ii. 596.
Ryley, 145.
&c.*

One Roger Bartholomew, a citizen of Berwick, entered a complaint against the judgement of the persons whom Edward had appointed for the administration of justice in Scotland during the interregnum †.

Balliol opposed this, and claimed the performance of a promise which Edward had made, 'to observe the laws and usages of Scotland,

* The privilege of placing the King of Scots on his throne, was claimed by the family of M'Duff Earl of Fife. Duncan, the heir of the last Earl, was a minor at this time, and the ward of Edward. Edward appointed John de St John to officiate for the heir of Fife; *Foedera*, T. ii. p. 600. According to the accuracy of feudal language, he is called, *the son of the Earl of Fife*, and *the heir of Fife*; but not *Earl of Fife*, because he was a minor, and the King held the *Comitatus*. It will be observed that this instrument mentions the privilege of placing the King on the throne, not of crowning him. *Abercrombie* says, vol. i. p. 475. That many of the Scottish Nobility refused to acknowledge Balliol, and, in particular, the three Bruces, John Earl of Caithness, William Douglas, &c. The only reason that I can discover for this singular assertion is, that, at Balliol's parliament, 10th February 1292-3, Robert Bruce Earl of Carrick, *i. e.* Robert the son of the competitor, John Earl of Caithness, and William Douglas, though summoned, are marked as absent. This relates not to the coronation of Balliol, nor to any disavowal of his title. Indeed it proves nothing at all. Bruce *the competitor* was probably not summoned. The Earl of Caithness may be presumed to have been absent by reason of the winter-season, and of his distant abode. It is certain, that the Earl of Carrick, his son, and William Douglas did all acknowledge the title of Balliol in 1293; *Foedera*, T. ii. p. 613. 614.

† It would appear from *Ryley*, p. 146. That Bartholomew's causes had been tried and determined by the guardians of Scotland.

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‘land, and not to withdraw any causes from Scotland into his English courts.’

The demand irritated Edward, and obliged him to develop his intentions more speedily than, perhaps, he had purposed.

He made answer to Balliol, ‘That he had religiously observed his promise; but that the hearing of complaints against his own ministers belonged to him, and was reserved for his special cognifance; and that, in such matters, his subjects had no right to interpose*.’

Further, he protested, ‘That, notwithstanding any temporary concessions before Balliol was declared King, which concessions, however, he neither admitted to have been made, nor to be binding, he still considered himself at liberty to judge in every cause regularly brought before him from Scotland; that he intended to hear such causes in England, and to administer justice to all parties, as Lord Paramount; and therefore would, if necessary, summon the King of Scots to appear in his presence,’ [at Newcastle 31st December 1292.] Foed. ii. 597.

This

* *Abercrombie*, vol. i. p. 478. has totally misunderstood the circumstances of this case. He imagines that the judges, from whose sentence the appeal was taken, had been appointed by Balliol: He also says, that Edward ordered justice to be done in the complaints of Bartholomew, *according to the laws of England*; whereas the record expressly bears, ‘per ipsum dominum Regem concordatum est, [quod] *juxta consuetudinem regni Scotiae in negotio praedicto procedatur* ;’ *Ryley*, p. 150. It is remarkable, that the judgements appealed from were in substance affirmed. The record of those judgements is curious, and well deserves the perusal of lawyers: In one of them the question occurred, whether a provision to a wife settled before marriage, [*Dotatio ad ostium ecclesiae*,] was a privileged debt? The woman pleaded, ‘quod petitio sua est principale debitum, et, secundum consuetudinem burgorum, debet praeferrī omnibus aliis debitis et prius solvi.’ The judges ordered this question to be answered by the *four boroughs*; ‘*consulendum est cum quatuor burgis contra proximum parliamentum.*’ The four boroughs made answer, ‘that it was a privileged debt;’ and judgement went accordingly; *Ryley*, p. 147.

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This angry and imperious declaration, in all probability, produced a disgraceful instrument, by which Balliol declared, that all the obligations which Edward came under, while he had the custody of Scotland, were already fulfilled: He, therefore, discharged them all. He bound himself and his successors to ratify whatever had been done by Edward's authority, while Scotland was in his custody as Lord Paramount; and, in particular, he renounced all benefit from the convention of Brigham in 1290*.

Calend. of Ancient Charters,
332, &c.

About this time many revenue-accounts, public writings, and records were delivered to Alexander Balliol chamberlain of Scotland, for the use of the Scottish King. They had been formerly transmitted from Edinburgh to Rokesburgh, where Edward's auditors for Scottish affairs held their assemblies †.

Foed. ii. 602.

Edward also ordered all the rolls concerning causes which had been heard by the guardians, during the interregnum, to be delivered to Balliol, [4th January 1292-3.]

Foed. ii. 602.

Of his special favour, he appointed seifine of the Isle of Man to be given

* It is called *the charter of Northampton*; because at that place Edward ratified the convention of Brigham. See *Foedera*, T. ii. p. 487. With this absolute renunciation of every thing that carried the semblance of independency, the *Magnus Rotulus Scotiae* concludes.

† The memorandum respecting this delivery seems to have been lodged in the English treasury, 16th January 1292-3; *Calendars of Ancient Charters*, p. 331. It bears, that the writings were delivered to the chamberlain of Scotland, after the coronation of Balliol; so that this must have happened between 30th November 1292, and 16th January 1292-3. In the introduction to the *Calendars*, p. 55. there is exhibited a general view of the contents of the writings, which I transcribe for the benefit of those who are not possessed of that book. 'A great number of rolls and memoranda of revenue-accounts, fine-rolls, wills of Scottish Kings, inquisitions, perambulations, and terriers of lands; rolls and schedules of fealties, done in the isle of Man, petitions, rolls of charters and confirmations, Kings and other letters, and a great variety of other different muniments, relating to the kingdom of Scotland.'

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given to Balliol, in the same manner as it had been held by Alexander III. reserving always his own right, and the rights of all others.

A question arose concerning the extent of the fees which should be paid to the chamberlain of England by the King of Scots, for his homage. Edward fixed them in parliament at *twenty pounds*, being the double of what an Earl paid as the fees of his homage. It has been ingeniously remarked, that, if the Scottish Kings were wont to do homage to England for *their kingdom*, the fees must have been ascertained of old; whereas the regulation made by Edward implies the contrary*. *Feod. ii. 600.*
Rapin, iii. 50.

It was soon felt that Edward intended to avail himself of his protestation at Newcastle, [31st December 1292,] and to exercise his new rights of Lord Paramount, with the most provoking rigour.

This appeared in a remarkable case, which all historians mention, but none clearly explain.

Malcolm Earl of Fife had two sons, Colban his heir, and another who is never mentioned but under his family-name of *M'Duff*.

It is said that Malcolm put M'Duff in possession of the lands of Reres and Crey. Malcolm died in 1266; Colban, his son, in 1270; Duncan, the son of Colban, in 1288. To this last Earl, his son Duncan, an infant, succeeded. During the non-age of this Duncan, grand-nephew of M'Duff, William Bishop of St Andrew's, guardian of the earldom, dispossessed M'Duff. He complained to Edward: Edward ordered the regents to try his cause: They restored him to possession. *Ryley, 157.*

Matters were in this state when Balliol held his first parliament, [at *Feod. ii. 604.*
Scone

* It is certain, that the Scottish Kings did some kind of homage to England: Perhaps, it may be still discovered *what* was the extent of the fees paid. If no more than *ten pounds*, it would seem to follow, that the homage was done for the earldom of Huntingdon.

1292.

Scone 10th February 1292-3.] *There* M'Duff was required to answer for having taken possession of the lands of Reres and Crey, which were in the custody of the King since the death of the last Earl of Fife.

M'Duff acknowledged the *possession*, but denied the *trespass*. He pleaded, that his father Malcolm had made a grant of the lands to him, and that Alexander III. had by charter confirmed that grant.

It was testified by the nobility present, that Alexander III. had the custody of the lands in controversy, after the death of Malcolm, by reason of the non-age of Colban *, and in like manner, after the death of Colban: That, after the death of Duncan, the son of Colban, the lands were in the custody of the Sovereign, by reason of the non-age of Duncan, the son of Duncan.

This is obscurely expressed; but it seems to imply, that M'Duff had never been seised; and consequently had no right to possess.

He was therefore condemned to imprisonment for his trespass; but action was reserved to him against Duncan, when he should come of age, and against the heirs of Duncan.

It is astonishing, that M'Duff should have omitted his irrefragable defence, that the regents, under Edward's authority, had put him in possession,

* As M'Duff pleaded, that the lands were granted to him by his father Malcolm, and as Colban was under age at Malcolm's death, it follows, either that the grant was made during the non-age of M'Duff, or that he was not the lawful son of Malcolm. The pedigree of the family stands thus:

Malcolm Earl of Fife died 1266.

|

2. M'Duff.

1. Colban, died 1270.

|

Duncan, died 1288.

|

Duncan, minor in 1292-3.

1292.

possession, and that Balliol had ratified all things done under Edward's authority.

M'Duff, as soon as he was set at liberty, petitioned Balliol for a re- *Feod. ii. 606.* hearing, and offered to prove his title of possession by written evidence. Balliol rejected the petition: In this he probably conducted himself by law *. M'Duff appealed to Edward, and in his appeal set forth the judgement of the regents, which had put him in possession.

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Edward ordered Balliol to appear in person before him on the day *Feod. ii. 607.* after the feast of the Trinity, and to make answer to M'Duff's complaint, [25th March.]

Balliol yielded no obedience to the order. Edward again ordered *Ryley, 155.* him to appear on the 14th October.

Meanwhile, the English parliament drew up certain *standing orders*, *Ryley, 153.* in cases of appeal from the King of Scots. They are harsh and cap-
tious. One of the regulations provides, 'That no excuse of absence
' shall be ever received, either from the appellant, or from the King of
' Scots,

* The term of M'Duff's imprisonment cannot be precisely ascertained. The record in *Foedera*, T. ii. p. 604. runs thus: 'Confideratum est, quod praedictus M'Duff
' committatur prifonae,' &c. The imprisonment, however, could not have been for a long term: Judgement was pronounced 10th February; he was at liberty before he sought a rehearing; the appeal was lodged before 25th March: Hence we may conclude, that the term of the imprisonment could not have exceeded a fortnight: It may have been much shorter. If M'Duff had no writings to produce when he petitioned, which he might not have produced at the former hearing *in parliament*, I incline to think, that Balliol could give no redress on the footing of a petition for a rehearing, as of right.

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‘ Scots, respondent ; but that the parties may have counsel, if they demand it *.’

Foed. ii. 613,
614.

Balliol held his *second* parliament, [at Stirling, 3d August 1293.]

Sir William Douglas was accused of having deformed the King’s officers. The case is singular. The justiciaries had pronounced a judgement appointing the mother of Douglas to be infeoff in certain lands, and also appointed 140 marks to be levied out of the lands, for her damages. The King’s officers went to the castle of Douglas, in order to execute this sentence. Douglas seized them, and detained them in durance for a day and a night.

Douglas shaped his defence thus : He said, ‘ That the officers had come

* In every thing which respects English forms, I speak with great diffidence. The words of the record are, ‘ Et sciendum, quod nullum *essonium* in toto processu Regi-
‘ Scotiae, sine quer. allocabitur in hoc casu ; sed habeant *actornatum* secundum consue-
‘ tudinem curiae Anglicanae, si sibi viderint expedire ;’ *Ryley*, p. 153. If it was the intention of the English parliament, to require the personal attendance of the King of Scots, it is plain, that he must have been obliged to reside constantly in England, to answer for every decree pronounced in his courts, and removed into England by appeal. This will appear from the orders pronounced by Edward in cases of appeal.
1. John Maffon of Gascony, had a claim of debt against Alexander III. for the enormous sum of 218² pounds Sterling, the price of corn and wine. He demanded justice from Balliol ; he appealed on the ground of delay. Edward ordered Balliol to appear and answer, immediately after Whitsunday ; *Foedera*, T. ii. p. 605[†]. 2. M’Duff, as has been seen, appealed. Edward ordered Balliol to appear on the day after the feast of the Trinity ; *Foedera*, T. ii. p. 607. 3. The Abbot of Rading had sold the Isle of Man to the Bishop of St Andrew’s. In an action before the King of Scots, the convent endeavoured to set aside the sale. The Bishop removed the cause to the papal see ; nevertheless, the convent appealed to Edward, on the ground of delay : Edward ordered Balliol to appear, fifteen days after Michaelmas ; *Foedera*, T. ii. p. 615. There are other examples of a similar nature. To make the King of Scots a party in every appeal from his courts, whether for injustice done, or for justice delayed, was a grievous burden. To require his personal attendance at the trial of every appeal, was intolerable.

see Abbrev. Placit. 289, where some additional circumstances are mentioned.

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‘ come to his castle to give seifine, and to levy the damages. That
 ‘ he told them they did him wrong, as they could not levy the 140
 ‘ marks so soon ; that, therefore, they must remain there, and so they
 ‘ did, *contrary to their inclination.*’

Judgement was pronounced, That Douglas be committed to prison, to be redeemed from thence at the will of the King, according to law.

Douglas was also accused, for that, contrary to the law of the land, he had imprisoned three men in his castle of Douglas, and beheaded one of them.

He confessed the illegal imprisonment, and submitted himself to the King’s mercy.

The circumstance of his having beheaded one of the men, whom he had illegally imprisoned, appears to have been overlooked*.

Robert Bruce, son of the competitor, and, in right of his wife, Earl of Carrick, resigned the earldom to his son Robert †, and requested the King to receive his son’s homage.

Young Bruce appeared and craved to be admitted to do homage.

It was answered, ‘ That, by the laws of Scotland, the Sovereign
 ‘ must have seifine, before he can receive homage.’ Young Bruce re-
 signed

* This was, probably, a question of jurisdiction. Douglas may have apprehended and detained persons who ought to have been tried in the King’s court. We may, however, presume that the person capitally punished was a notorious criminal.

† ‘ Quia Roberto de Brus, totum comitatum de Carrick, cum pertinentiis suis, et
 ‘ etiam omnes alias terras quas in Scotia aliquo tempore tenuimus, seu tenere debui-
 ‘ mus, *ratione Margaretæ quondam Comitissæ de Carrick, sponsæ nostræ, matris ejus-*
 ‘ dem Roberti, tanquam jus et hæreditatem ejusdem Roberti filii, et hæredis nostri,
 ‘ concessimus, et resignavimus, et quietè clamavimus in perpetuum; *Fœdera,*’ T. ii.
 P. 114. It would seem, that what the father resigned to the son was his *right of*
courtesy.

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signed into the hands of the King whatever seifine he himself had, and found security for his father's resignation.

The sheriff of Air was ordered to take seifine of the earldom of Carrick for the King, and to *extend* the lands.

Bruce was required to bring the certificate of this seifine, and then to do homage.

The *father* had not made resignation into the hands of the King; the *son* was a minor: It follows, that the proceedings in this case were not strictly formal, and that Balliol meant to shew favour to the once rival family.

Ryley, 158.

The cause of M'Duff came on: Balliol presented himself before Edward. Being asked what defence he had to offer, he uttered these ever memorable words: 'I am King of Scotland. To the complaint of M'Duff, or to ought else respecting my kingdom, I dare not make answer without the advice of my people.' 'What means this refusal?' cried Edward, 'You are *my* liege-man; you have done homage to *me*; you are here in consequence of *my* summons!' Balliol steadily replied. 'In matters which respect my kingdom, I neither *dare*, nor *can* answer in this place, without the advice of my people.'

Balliol was desired by Edward to ask a farther adjournment, that he might advise with the nation. He perceived the insidious nature of this proposal. His demand for a longer day might have been construed as an acquiescence in Edward's right of requiring his personal attendance at the English courts: He, therefore, made answer, 'That he would neither ask a longer day, nor consent to an adjournment.'

The parliament of England resolved, 'That the principal cause shall remain before Edward, and that the King of Scots shall be held to have offered no defence. Further, that the answer made by the King of Scots, in the presence of Edward, tended to elude and enervate the jurisdiction of his sovereign Lord, and was to the hurt of the
' royal

1293.

‘royal dignity and crown, in respect the King of Scots therein asserts, that he is not responsible to the King’s court, although in that court he claimed the kingdom of Scotland, made answer to the claims of the other competitors, and obtained judgement; and, therefore, that he is guilty of a manifest contempt of the court, and of open disobedience.’

It was ordered, ‘That M’Duff, for his imprisonment, shall have damages of the King of Scots, to be taxed by the court. And that the King of England shall inquire, according to the usages of the country, whether M’Duff recovered the tenements in question by the judgement of the King’s court, and whether he was dispossessed by the judgement of the King of Scots.

‘And, because it is consonant to law, *that every one be punished in that which emboldens him to offend*, it was resolved, that the three principal castles of Scotland, with the towns wherein they are situated, and the royal jurisdiction thereof, be taken into the custody of the King, and *there* remain until the King of Scots shall make satisfaction for his contempt and disobedience.’

Before this judgement was publicly intimated, Balliol addressed Edward in words of the following import: ‘My Lord, I am your liege-man for the kingdom of Scotland; that whereof you have lately treated, respects my people no less than myself: I therefore pray you to delay it until I have consulted my people, lest I be surprized through want of advice: They who are now with me neither will, nor dare advise me, in absence of the rest of my kingdom. After I have advised with them, I will, in your first parliament after Easter, report the result, and do to you what I ought*.’

Edward

* Balliol put in another petition to Edward which was equitably heard. He claimed seifine of Tindale and Penreth. John Hastings, the competitor, contended, that those estates were divisible; and therefore claimed a third of them, in right of one of the

1293.

Edward must have perceived the studied ambiguity of this petition; nevertheless, out of his special favour, and with the consent of M'Duff, he stayed all proceedings until the day after the feast of the Trinity, in 1294. It is probable, that he considered the resolutions of his parliament as impolitically violent, and that that part of the sentence which adjudged the custody of three principal castles to him, could not be made effectual, unless by force of arms.

1294.

W. Hemingf.
i. 43.

A trifling quarrel between some French and English sailors, about the filling of their water-casks, involved the two nations in war. This event obliged Edward to suspend all proceedings against the King of Scots.

M. Westm. 421.

Edward held a parliament at London, [May 1294.] His nobility agreed to assist him in his military enterprises. Balliol appeared in this parliament †; and, according to an English historian, consented to

the three heirs parceners of David Earl of Huntingdon. It appeared, however, that the grant of Tindale and Penreth was made to Alexander King of Scotland, and his heirs, *Kings of Scotland*; seifine, therefore, was appointed to be given to Balliol; Ryley, p. 160. *Foedera*, T. ii. p. 616.

That I may not interrupt my narrative, I observe here, that, in the following year, 1294, Balliol petitioned Edward for an abatement of the *relief* due from his mother's estates. Edward made answer, that, from inspection of the rolls, there appeared to be due, as the relief for the estates of Derverguill, L. 3289 : 14 : 0; that he was willing to abate L. 3000, and to receive the remainder by payments of L. 20, made half yearly; *Foedera*, T. ii. p. 635.

† Walsingham says, that Balliol, by the advice of the Abbot of Melros, left the English parliament without leave, and in the manner of a fugitive; and that Edward punished him by confiscating his whole English estates; *Hist. Angliae*, p. 64. This is not only adverse to what is reported by other English historians, but is in itself most improbable.

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to yield up the whole revenues of his English estates for three years, in aid of the war against France *.

Edward laid a general embargo on all vessels within his English dominions. He *ordered and requested* Balliol to extend the embargo over Scotland, so that no vessel might pass, nor any person, or any goods whatever, be conveyed into foreign parts; *and this embargo to endure until Edward's further pleasure should be known.* *Foed. ii. 636.*

He also required Balliol to send him some troops for an expedition which he then meditated into Gascony. He required the presence and aid of several of the Scottish Barons for the same purpose †. *Foed. ii. 642.*

The Scots eluded the demands of England. They pretended that they could not bring any considerable force into the field; but the truth is, that they could no longer brook the overbearing dominion of Edward. Actuated by resentment and despair, they secretly negotiated an alliance with Philip the French King. *W. Hemingford. i. 75.*

They assembled in parliament at Scone. Under the specious pretence of diminishing the public charge, they prevailed on Balliol to dismiss

* The estates which Balliol held in England were very extensive and valuable. There is an instrument in *Foedera*, T. ii. p. 1029, wherein some of his estates are mentioned, amounting to upwards of L. 400 yearly. The liberality of this aid might have induced Edward to suspect that Balliol was not sincere. In the event of Balliol joining with France, his estates in England would have been seized by Edward. The treaty, which Balliol soon after concluded with the French King, will account for his voluntary surrender of his English revenues.

† The style is singular: 'Per quod vos requirimus et rogamus, in fide et homagio, quibus nobis tenemini, firmiter injungentes, *quod de hominibus vestris ad nos mittatis;*' *Foedera*, T. ii. p. 642. There is a writ much to the same purpose addressed to Bruce Lord of Annandale; *Foedera*, T. ii. p. 643. The Scottish Barons summoned to appear in person are, John Comyn Earl of Buchan, Robert Bruce Earl of Carrick, Gilbert de Umfraville Earl of Angus, John Comyn of Badenoch, Richard Siward, and William de Ferrariis; *Foedera*, T. ii. p. 643. I suspect that they all held lands in England: If so, the style of the summons is the more singular. The common form of such summons is, 'Quod sitis ad nos cum equis et armis, et toto servitio.'

1294.

dismiss all the Englishmen whom he maintained at his court. 'This was
' a prudent measure,' says W. Hemingford; 'it removed the persons
' who might have been spies on their conduct.' They then appointed
a committee of twelve, four Bishops, four Earls, and four Barons, by
whose advice all national affairs were to be regulated. If we may
credit the English historians, they had a watchful eye over Balliol
himself, and detained him in an honourable captivity.

*Trivet 286**M. Westm. 425.*

It is asserted in the Scalacronica that Edward doubting the sincerity of Balliol ordered Anthony Becc, bishop of Durham to treat with the Scotch, and that a fray commenced at the meeting at Jedburgh, where a cousin of the bishop, named Busby, was slain. Feb. 1298.

1295.

*Foed. ii. 692.**Trivet 286*

Edward suspected that the designs of Balliol were hostile. Balliol, to remove his suspicions, consented that Berwick, Roxburgh, and Jedburgh, should be delivered to the Bishop of Carlisle, and remain in his custody during the war between England and France. Edward promised to restore the three fortresses at a peace. [16th Oct.]

Foed. ii. 695.

Balliol meanwhile negotiated a fatal alliance with Philip, the French King. Philip agreed to give his niece, the eldest daughter of Charles Count of Anjou, in marriage to the son and heir of Balliol*. It was provided, that Balliol should not marry again, without the advice of Philip. The King of Scotland, 'grievously offended at the undutiful
' behaviour of Edward to the King of France, his liege Lord,' engaged to assist Philip in his wars, with his whole power, and at his own charges; especially if Edward invaded France. If Edward invaded Scotland, Philip engaged to assist the Scots, either by making a diversion,

* William Frazer Bishop of St Andrew's, Matthew Bishop of Dunkeld, Sir John de Soulis, and Sir Ingeram de Umfraville, were the Scottish commissioners who concluded this original treaty, the ground work of many more, equally honourable and ruinous to Scotland; *Foedera*, T. ii. p. 695. The lady's portion was 25000 livres, 'en livres de Turnois petits;' her jointure L. 1500. L. 1000 was secured on Balliol's estates in France, viz. Bailleul, Dampierre, Helicourt, and Hernoy, and L. 500 on crown-lands in Scotland, viz. Lanerk, Kadyeou [now Hamilton], Maulsley, Cuningham, Hadinton, and the Castellany of Dundee. The treaty contains this singular clause, 'Quod, si dicti futuri conjuges a dicto Rege vellent fortasse discedere, dicto dotalicio in vita etiam Regis ejusdem perfruentur;' i. e. The jointure provided to the widow shall be paid as an independent maintenance to the husband and wife.

The Chron. Lanerc. says he made a demand for Berwick, Roxburgh, Jedburgh, and Edinburgh. ad ann.

1295.

sion, or by sending succours *. Both Princes became bound not to conclude any separate peace ; a nugatory obligation, always required, and always disregarded. [Paris 23d Oct.]

1296.

In consequence of this treaty, the Scots, with a mighty force †, invaded Cumberland [26th March], and wasted the country. They assaulted Carlisle ; the town was set on fire ; the citizens abandoned their posts, and hastened to extinguish the flames ; the women flew to the walls, repulsed the Scots, and forced them to a dishonourable retreat. [28th March.] *Hemingf. i. 87. Rivet. 288. 24 March*

The honour lost before Carlisle was not regained by a second inroad, which the Scots made into Northumberland [8th April.] They burnt the nunnery of Lameley, and the monastery of Corebridge, although dedicated to their patron St Andrew ; they attempted to storm the castle of Harbottle, and retired in disorder. *Hemingf. i. 93.*

Meanwhile Edward, with an army as numerous, but under more regular discipline, invaded the eastern borders. *M. West. 427. Hemingf. i. 85.*

The Scots had promised to deliver Berwick into the hands of the Bishop of Carlisle ; but they had either failed to perform their promise, or had resumed that important fortress. It was now defended by a strong

* The treaty contains this remarkable proviso : ‘ Quod tam Praelati quam Comites, Barones, et alii nobiles, necnon universitates, communitatesque notabiles dicti regni Scotiae, suas nobis super hoc patentes literas suis munitas sigillis, quam citius fieri poterit, destinabunt ;’ *Foedera*, T. ii. p. 696.

† *M. Westm.* p. 427. and *W. Hemingford*, T. i. p. 87. have recorded the names of the Scottish leaders, viz. John Comyn Earl of Buchan, the General ; the Earls of Menteth, Strathern, Lenox, Ross, Athole, and Marre ; William and Ralf de Moncrief, William St Clair, Richard Seward, and John Comyn son of the Lord of Badenoch, [he whom Bruce slew at Dumfries in 1305-6.] According to Hemingford, the Scottish army consisted of 500 horsemen, and of 40000 infantry. Fordun has erroneously placed this inroad in 1297 ; *L. xi. c. 27.*

1296.

Hemingsf. i.
89-91.

strong garrison *. Edward prepared to assault it by sea and land. His ships precipitantly began the attack; they were all burnt or disabled. Edward, not discouraged at this repulse, led on his army to the assault. The town was taken and sacked, the garrison put to the sword, and the inhabitants butchered, without distinction of age or sex †. [30th March.]

There was a building in Berwick, called *the Red Hall*, which certain Flemings possessed by the tenure of defending it at all times against the King of England. Thirty Flemings, in the spirit of feudal gallantry, maintained this post until evening against the army of Edward; the building was set on fire; the faithful strangers all perished in the flames. On the same day, Sir William Douglas, commander of the castle, capitulated. The garrison, of two hundred men, was permitted to march out with military honours, after having made oath never to bear arms against England ‡.

Ford. xi. 20.

The Scottish historians give a different and more improbable account of the manner in which Berwick was lost. They say, that Edward,

* Composed of the men of Fife, whose Earl was, at that time, under age; *Fordun*, L. xi. c. 20.

† In this carnage, 7500 perished, according to *Fordun*, L. xi. c. 20. Upwards of 8000, according to *Hemingsford*, T. i. p. 91. *Matth. Westm.* p. 427. says 60000; but this, I presume, must be an error of the transcriber for 6000.

‡ ‘Eodem etiam die viri fortes, qui erant in praesidio castris, dederunt se, salvis eis vitâ et membris, terris et catallis, quorum capitaneum, scilicet Dominum Willelmum de Douglas, retinuit ibidem Rex usque in finem ejusdem guerra suae, ducentos vero viros, qui cum eo fuerant, accepto prius juramento, quod nunquam contra se vel regnum Angliae manum erigerent, portantes arma liberos abire permisit;’ *W. Hemingsford*, T. i. p. 91. Sir William Douglas swore fealty to Edward 10th July 1296; *Prynne*, Vol. iii. p. 649. The reader may compare this account with *Douglas*, Peerage of Scotland, p. 182. who quotes *Rapin*, Vol. i. p. 375. who follows *Buchanan*, L. iv. p. 137.

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Edward, by the advice of the Earl of March, sent forward a detachment under Scottish colours ; that the garrison threw open the gates, and went forth to receive them as their deliverers ; and that by this simple stratagem the town was won.

Balliol, by the advice of his parliament, solemnly renounced the allegiance and fealty which he had sworn to Edward. This bold measure had been resolved upon before the loss of Berwick ; but was not intimated to Edward till after that event. The reasons assigned by Balliol were these : 1. That Edward had wantonly, and upon slight suggestions, summoned Balliol to his courts : 2. Had seized his English estates : 3. Had seized his goods, and the goods of his subjects : 4. Had forcibly carried off, and still detained certain natives of Scotland. He added, That when he made remonstrances, Edward, instead of redressing, had continually aggravated the injuries, and now had invaded Scotland, wasting the country with fire and sword. [At Berwick, 5th April 1296.]

Fordun, xi. 18.
Foed. ii. 707.

This *renunciation* was most favourable to the political views of Edward. He received the instrument rather with contempt than anger : ‘ The foolish traitor,’ said he to Balliol’s messenger, ‘ Since he will not come to us, we will go to him *.’

The fate of Balliol, and of Scotland, was soon decided. While the Earl of March followed the banners of Edward, his wife betrayed his castle of Dunbar to the Scots. Edward hastened Earl Warrenne, with

Hemingf. i. 94.
M. West. 427.
Fordun, xi. 24.

a

* ‘ Ha, ce fol felon tel folie feït ! s’il ne vult venir à nous, nous viendrons a lui ;’ *i. e.* ‘ If he will not come to me, and do his duty as a vassal, I will repair to him and exact the rights of a Lord Paramount.’ *Fordun* says, that Henry Abbot of Aberbrothock, a bold spirited man, delivered the message ; L. xi. c. 18. The instrument itself bears, ‘ Per religiosos viros, guardianum Fratrum Minorum de Rokesburgh et *socium suum.*’ This *socius* was probably the bold-spirited Abbot of Aberbrothock, who may have wished to keep himself concealed in the train of the guardian of the Minorites. I observe, by the way, that *Fordun* was not conversant in the French language. He thus translates Edward’s words, ‘ Tibi dico, fili fatue, talem fatuitatem facis,’ &c.

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a chosen body of troops, to recover the castle. Warrenne pressed the siege: The Scots agreed to surrender, unless relieved within three days. On the third day, the whole force of Scotland appeared in order of battle on the heights above Dunbar*. Warrenne marched against them. The impatient Scots abandoned the advantage of the ground, and poured down tumultuously on the English: They were repulsed, broken, diffipated. Many of the fugitives sought shelter in the castle of Dunbar; the rest were scattered. Sir Patrick de Graham maintained his station, and died with honour, lamented and applauded by his enemies †. [28th April.]

Ford. xi. 25.

The vulgar imagined, that the Earls of Athole and Marre fled from the battle, with their followers, through partiality to the Brucean cause. ‘It was,’ says Fordun, ‘the sad consequence of our intestine broils, that *he who had once espoused the one party was never supposed true to the other.*’

There does not appear to have been any treachery at Dunbar. The Scottish army had been employed in pillaging, and had been repulsed in every enterprize; it was too numerous, and without subordination or discipline. Such soldiers, although inspired with the most patriotic principles, could not contend with the flower of England.

Hemingf. i. 97.

Ford. xi. 24.

On the day after the battle, Edward arrived with the remainder of his troops. The castle of Dunbar surrendered at discretion ‡. Our historians

* Upon almost the same ground, and in circumstances not dissimilar, Cromwell overcame the Scots. [3d Sept. 1650.]

† ‘Unus autem ex eis miles strenuus, nomine *Patricius de Graham*, inter sapientiores regni illius quam primus, et inter potentiores, nobilissimus, cum gloriam suae laudis minuere nollet, in fine tandem corruit interfectus ibidem;’ *W. Hemingford*, T. i. p. 96. The present Duke of Montrose is *the seventeenth* from this worthy man in the direct line of male descent.

‡ Among the prisoners were the Earls of Athole, Ross, and Menteth, William St. Clair, Richard Seward, John the son of Geoffroy de Moubray, and John Comyn of Badenoch.

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historians impute this also to treachery; and they accuse the governor, Richard Seward. But this charge is manifestly unjust. Seward had agreed to surrender the castle, if it was not relieved within three days; and it was not relieved *.

Edward, it is reported, with an intention to secure the fidelity of Robert Bruce, Lord of Annandale, had promised to raise him to that throne from which he had, by the memorable award, excluded his father. Bruce now reminded Edward of his promise. 'Have I no other business,' replied Edward, 'but to conquer kingdoms for you †?' Bruce silently retired, and passed the remainder of his days in safe and opulent obscurity.

During the short interval between the loss of Berwick and the disaster at Dunbar, an order was made, that all English ecclesiastics, who held benefices in Scotland, should be expelled ‡. The measure in itself was

Badenoch the younger; *W. Hemingsford*, T. i. p. 97. It is generally believed, although without sufficient evidence, that Edward put the Earl of Menteth to death.

* *W. Hemingsford*, T. i. p. 95. gives a naive account of the exultation of the besieged at the approach of the Scottish army. 'They displayed their ensigns on the battlements, and cried out, *Now, ye English dogs with the tails, we will kill you all and cut off your tails.*' 'Eorum vexilla in propugnaculis castris erexerant clamantes ad nostros, et eos probosé vocantes, *canes caudatos*, et talia quaeque insuper comminantes in mortem et caudarum abscissionem.'

† 'Ne avons nous autre chose à faire que à vous reaumys gagner;' *Fordun*, L. xi. c. 25. 'Must I conquer for you?' would have been more concise and forcible: I chose however to follow the turn of the words which Edward is said to have uttered.

‡ *Fordun* says, 'Prohibentur tales alienigenae inter regnicolas habitare—lege divina ut *Num. c. 18.*;' L. xi. c. 21. The text quoted is in *Numb. c. 18. v. 4.* 'And a stranger shall not come nigh unto you.' I wish that such impertinent allusions to the law of Moses had been peculiar to unlearned ages. Little did *Fordun* know that Pope Nicholas IV. had issued a bull, in which the contrary doctrine is maintained, on the authority of another text of Scripture, not more judiciously applied, 'That with God there is no respect of persons;' *Foedera*, T. ii. p. 417.

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was judicious ; but the season for it was past. To banish foreign spies, and to animate the loyalty of the Scottish clergy by views of preferment, were important objects. It was, however, too late to provide for this, when Edward had penetrated into Scotland, at the head of a victorious army.

Heming. i. 83. About the same time, and in the like spirit of preposterous policy, all the partizans of England, and all neutrals, were declared to be traitors, and their estates confiscated. *This* was principally aimed at the rival-house of Bruce. Comyn Earl of Buchan obtained a grant of Annandale, which belonged to Bruce. He took a momentary possession of Bruce's castle of Lochmaben. In a fierce age, such an injury could never be forgiven.

Heming. i. 97. 98. While the Scottish nation busied itself in issuing these passionate and feeble edicts, Edward steadily proceeded in his conquest. James the Stewart of Scotland yielded up the strong castle of Rokesburgh, swore fealty to Edward, and abjured the French alliance *, [13th May.] The castle of Edinburgh surrendered, after a short siege ; Stirling was abandoned ; the spirit of Scotland sunk into despondency.

Ford. xi. 26. Foed. ii. 718. The unfortunate Balliol implored the mercy of his conqueror. Divested of his royal ornaments, and bearing a white rod in his hand, he performed a most humiliating feudal penance. He confessed, that by evil and false counsel, and through his own simplicity, he had grievously offended his liege Lord. He recapitulated his various transgressions, in concluding an alliance with France while she was at enmity with England, in contracting his son with the niece of the French King,

* *W. Hemingsford, T. i. p. 97.* says, ' Post dies aliquot processit Rex ad castrum de Rokesburgh, quod diu tenuerat senescallus Scotiae, et statim illud reddidit in adventu Regis, falvis vitâ et membris, terris et catallis.' While Edward was at Rokesburgh, he empowered *Robert Bruce*, the son of the Earl of Carrick, to receive the inhabitants of Carrick into favour, [14th May 1296]; *Foedera, T. ii. p. 714.* In so despicable an office was the renowned *Bruce* employed at his first appearance on the public stage.

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King, in renouncing his fealty, in attacking the English territories, and in resisting Edward. He acknowledged the justice of the English invasion and conquest; and therefore he, of his own free consent, resigned Scotland, its people, and their homage, to his liege Lord Edward *. [2d July.]

Thus ended the short and disastrous reign of John Balliol: An ill-fated Prince! censured for doing homage to Edward, never applauded for asserting the national independency. Yet, in his original offence, he had the example of Bruce; at his revolt, he saw *the rival-family* combating under the banners of England. His attempt to shake off a foreign yoke speaks him of a high spirit, impatient of injuries. He erred in enterprising beyond his strength: In the cause of liberty, it was a meritorious error. He confided in the valour and unanimity of his subjects, and in the assistance of France. The efforts of his subjects were languid and discordant; and France beheld his ruin with the indifference of an unconcerned spectator.

I N T E R R E G N U M.

AS Edward proceeded northward, the Scottish Barons crouded *Foed. ii. 720.* in, swore fealty, and abjured the French alliance.

Some

* Fordun thus describes Balliol: 'Regiis exutus ornamentis, et virgam albam in manu tenens, vi et metu vitae ductus,' &c.; L. xi. c. 26. The record bears, that Balliol made his submission at Kincardin 2d July 1296; *Foedera*, T. ii. p. 718. *W. Hemmingford*, T. i. p. 99. 100. says that this happened at Brechin; *Fordun*, L. xi. c. 26. at Montrose. All the historians, whom I have had occasion to consult, place this remarkable event on the 10th, not on the 2d of July. Baldred Bisset, the Scottish envoy at Rome, says that Balliol made no such resignation, but that Edward forged the instrument, and appended the great seal of Scotland to it; *Fordun*, L. xi. c. 63.

H h

1296.

Foed. ii. 720.
&c.

Some dignitaries of the Scottish church, and, in particular, Robert Wisheart Bishop of Glasgow, performed that ceremony, [at Elgin, 26th July.]

Heming. i. 100.

At Elgin Edward terminated his northern expedition *. From thence he returned to the south. As an evidence of his absolute conquest, he gave orders, that *the famous stone*, regarded as the national palladium, should be conveyed to Westminster †.

While

* It is remarkable that, during this northern expedition, the Bishop of Durham always commanded the advanced guard. ‘Semper praecessit faciem Regis per unam dietam, vel duas, Dunelmensis Episcopus cum turma sua, cumque iter suum faceret Rex per medium Murref. usque Eloyne [l. Elgin] noluit ulterius procedere, eo quod pacta [l. pacata] vidisset omnia;’ *W. Hemingford. T. i. p. 100.*

† The stone is thus described by *W. Hemingford, T. i. p. 37.* ‘Apud monasterium de Scone positus erat lapis pergrandis in ecclesia Dei, juxta magnum altare, concavus quidem *ad modum rotundae cathedrae confectus*, in quo futuri Reges loco quasi coronationis ponebantur ex more. Rege itaque novo in lapide posito, missarum solemnities incepta peraguntur, et, praeterquam in elevatione sacri Dominici corporis, semper lapis datus manfit.’ And again, *T. i. p. 100.* ‘In redeundo per Scone, praecepit tolli et Londoniis cariari, lapidem illum, in quo, ut supra dictum est, Reges Scotorum solent poni loco coronationis suae, *et hoc in signum regni conquesti et resignati.*’ *Walsingham* mentions the use to which Edward put this stone. ‘Ad Westmonasterium transtulit illum, jubens inde fieri celebrantium cathedram sacerdotum.’ I have transcribed this account of *the fatal stone*, that it may be compared with the appearance of the stone that now bears its name at Westminster.

Fordun has preserved the antient rhymes concerning it; *L. xi. c. 25.*

“Hic Rex sic totam Scotiam fecit sibi notam,

“Qui sine mensura tulit inde jocalia plura,

“Et pariter lapidem, Scotorum quem fore sedem

“Regum decrevit fatum; quod sic inolevit,

“Ni fallat fatum, Scoti quocunque locatum

“Invenient lapidem, regnare tenentur ibidem.”

This was the stone which Gathelus sent from Spain with his son when he invaded Ireland, which King Fergus won in Ireland, brought over with him, and placed at Scone. As the most proper authority for a story of this nature, see *Acts of Sir William Wallace, by Blind Harry; B. i. c. 4.*

1296.

While the English were at Scone, they carried off some of the charters belonging to the abbey, and tore the seals from others. This is the only well-vouched example which I have found of any outrage on private property committed by Edward's army. It is mentioned in a charter of Robert I. ; and we may be assured, that the outrage was not diminished in the relating. Chart. Scone, 26.

Edward held a parliament at Berwick, [28th August.] He there received the fealty of the clergy and laity of Scotland. Among those who concurred in this disgraceful national submission, was *Robert Bruce the younger, Earl of Carrick*.^{*} Edward took the most prudent measures for the settlement of his new conquest. He ordered the estates of the clergy to be restored. Having received the fealty of the widows of many Scottish Barons, he put them in possession of their jointure-lands^{*}, [3d September.] He even made a decent provision for the wives of many of his prisoners. His conduct in all things bore the semblance of moderation. He displaced few of those who had held offices under Balliol. In general, he suffered the numerous jurisdictions throughout Scotland to remain with the ancient possessors. Yet he judiciously committed the government of certain districts, and of the chief castles in the south of Scotland, to his English subjects, of whose fidelity and vigilance he thought himself assured †. Prynne, iii. 648.

With

^{*} The prisoners whose wives received grants from Edward were, *Richard Seward*, '40 librat. terrarum, per legalem extentam inde faciendam ;' *Alexander de Meiners*, [now Menzies,] '50 marcat. terrae ;' *Alexander Comyn de Badenoch*, '30 marcat.' *Rich. le Marechal, son of David le Marechal*, '10 marcat. ;'—*Le Scot, son of Michael le Scot*, '50 solidat. ;' *Edm. de Ramsay*, '10 marcat. ;' *Will. de Clopham*, '50 solidat. ;' *Earl of Ross*, '100 librat. ;' *Andrew de Synton*, '5 mercat. ;' *Alicia*, the wife of *William de Lindsay*, who had been absent at the court of Rome for three years, was provided in '10 libr. terrae ;' *Foedera*, T. ii. p. 728. I suspect that all the ladies thus provided were heiresses.

† *William Tonke* was appointed captain of Rokeburgh ; *Foedera*, T. ii. p. 714. *Osbert*

1296.

Foed. ii. 732. With a view to conciliate the favour of the episcopal order, he granted to the Scottish Bishops for ever, the privilege of bequeathing their effects by will, 'in the same manner as that privilege was enjoyed by the Archbishops and Bishops in England.'

Foed. ii. 730. Neither was he forgetful, as a politician, in shewing respect to the popular superstitions, which, as a man of discernment, he may, perhaps, have secretly despised. In honour of 'the glorious Confessor St Cuthbert,' he gave to the monks of Durham an annual pension of forty pounds, *payable out of the revenues of Scotland*, by the tenure of maintaining before the shrine of the saint two wax tapers, each of twenty pounds weight, and of distributing, twice a-year, one penny

Foed. ii. 732. to each of three thousand indigent persons *. During the Scottish expedition, Gilbert de Grymmesby, an ecclesiastic, had carried the banner of St John of Beverley before the army of Edward. He was provided in the first benefice of twenty marks, or twenty pounds, *that should fall in Scotland*.

Foed. ii. 731. He appointed John de Warenne, Earl of Surry, governor, Hugh de Cressingham treasurer, and William Ormesby justiciary, of Scotland;

768.
Hemingford,
i. 103. 118.

*Cressingham & Ormesby
were ecclesiastics and
lawyers. They were also
justices itinerant. See
Hist. Ant. 24 Edw. I. m. 23.d.*

bert de Spaldington, of the town, castle, and territory of Berwick; *Foedera*, T. ii. p. 716. *Thomas de Burnham*, of Jedburgh, '[castrum de Jedworth et foresta de Selkirke, cum dominicis terris, et omnibus aliis ad praedicta castrum et forestam qualitercunque spectantibus]'; *Foedera*, T. ii. p. 717. *Walter Huntercumbe*, of Edinburgh castle and the three Lothians, '[cum vicecomitatibus de Edinburgh, Linliscu, et Haddington]'; *Foedera*, T. ii. p. 731. *Henry Percy*, of Galloway and the county of Air, '[totius terrae Galwediae ac comitatûs nostri de Are]'; *Foedera*, T. ii. p. 731.

* This grant contains also an obligation on the monks to maintain other wax tapers, *staturae decentis et ponderis congruentis*, and to find a priest who should say mass daily in a place called *la Galileye*: This mass was said to women; St Cuthbert, having been injured by the false accusation of a Pictish Princess, would not suffer any of her sex to hear mass within the precincts of the church where his body lay, except in a remote corner called *the Galilee*: See *Davies' Rites and Monuments of Durham*, p. 60.—63. P. 73. 74.

1296.

land; and having thus settled all things in a state of seeming tranquillity, he departed with the glory due to *the conqueror of a free people*.

1297.

This tranquillity was of short duration. Warenne, the governor, *Heming. i. 118. Trivet. 299.* took up his abode in the north of England, for the recovery of his health. Cressingham, the treasurer, was a voluptuous selfish ecclesiastic, proud, ignorant, and opinionative. Ormesby, the justiciary, grew odious to the nation, by his rigour in exacting the oath of fealty, and by his severity to the recusants. The temper of Scotland at that season required vigilance, courage, liberality, and moderation, in its rulers. The ministers of Edward displayed none of these qualities. While other objects, of interest, or ambition, occupied his thoughts, the administration of his officers became more and more abhorred and feeble. Bands of robbers infested the highways; contempt of government, the forerunner of revolutions, every where prevailed.—At this important moment WILLIAM WALLACE arose.

He was the younger son of a gentleman * in the neighbourhood of *Ford. xi. 28. A. Winton. MS. Chr.* Paisley.

* Of Wallace of Ellerslie, near Paisley, in Renfrew-shire. Such is the opinion generally received. His *Atchievements*, written by *Blind Harry*, has been long a popular book in Scotland. It would be lost labour to search for the age, name, and condition, of an author who either knew not history, or who meant to falsify it. See *MacKenzie*, *Lives of Scots writers*, vol. i. p. 422. A few examples may serve to prove the spirit of this romancer. He always speaks of Aymer de Valloins Earl of Pembroke as *a false Scottish knight*. He mentions Sir Richard Lundin as one of Wallace's co-adjutors at the battle of Stirling; whereas he was of the opposite party; and indeed was, to all appearance, the only man of true judgement in the whole English army. B. 6. c. 4. he says, that one *Sir Hugh, sister's son of Edward I.* went, in the disguise of a herald, to Wallace's camp, was detected, and instantly beheaded; that Wallace surprised Edward's army at Biggar, and with his own hand slew *the Earl of Kent*; that many thousands of the English fell in the engagement, particularly *the second son of the King of England, his brother Sir Hugh, and his two nephews*.

1297.

Paisley. Outlawed for some offence*, he associated with a few companions of fortunes equally desperate. This singular person had every popular excellence; strength of body, keen courage, a spirit active and ambitious. By his affability, he conciliated the affections of his followers; by the force of native eloquence, he moulded their passions to his will; by calm, intrepid, and persevering wisdom, he generally maintained authority over the rude and undisciplined multitudes who crowded to his standard.

Heming. i.
118. 119.
Trivet, 299.

In May 1297, Wallace, at the head of a resolute band, infested the English quarters †. His successful predatory expeditions augmented the number of his partisans. Sir William Douglas joined him. Wallace and Douglas, with their united forces, attempted to surprise Ormesby, the justiciary, while he held his courts at Scone. Ormesby saved himself by a precipitate flight. After this enterprise aimed at the root of government, the Scots roved over the country, assaulted castles, and massacred all Englishmen who came within their power. They marched into the west of Scotland. Their party was strengthened, to appearance, by many persons of eminent rank. Among them were Robert Wisheart Bishop of Glasgow, the Stewart of Scotland and his brother, Alexander de Lindefay, Sir Richard Lundin, and Sir Andrew Moray of Bothwell.

The

* The received opinion is, that he was outlawed for killing an Englishman. *Buchanan*, p. 137. says, ‘Cum magnâ vi corporis atque animi esset adhuc adolescens, nobilem juvenem Anglum superbè sibi insultantem occidit. Ob id facinus, profugus domo et latitans, fugae locum subinde mutando, annos aliquot transegit.’ I suspect, however, that this is nothing more than an abridgement of *Blind Harry*, in classical Latin. See *Atchievements of Wallace*, b. i. c. 5. It may be remarked, by the way, that *this* is one of the most specious tales in the book.

† *Fordun* says, L. xi. c. 21. that Wallace pretended to execute the edict of 1296, which appointed all English ecclesiastics to be expelled from Scotland. I hope that this is not true! It has too much the appearance of a political pretext, by which defenceless individuals might be persecuted.

1297.

The young Bruce would have been held a mighty accession to their party. In right of his mother, and by his father's permission, he possessed Carrick and Annandale : So that his territories reached from the Frith of Clyde to Solway. But the wardens of the western marches of England suspected his fidelity, and summoned him to Carlisle. He obeyed, and made oath, on the consecrated host, and on the sword of Becket *, to be faithful and vigilant in the cause of Edward. To prove his sincerity, he invaded the estate of Sir William Douglas with fire and sword, and carried off his wife and children. He instantly repented of what he had done : ' I trust,' said he, ' that the Pope ' will absolve me from an extorted oath.' He abandoned Edward, and joined the Scottish army.

Heming. i.
119. 120.

Warrenne, the governor, exerted himself in quelling an insurrection which he had neglected to prevent. He hastened Sir Henry Percy and Sir Robert Clifford, with a chosen and numerous body, against the Scots. The English found them strongly posted near Irvine, formidable in numbers, but through dissension fatally enfeebled. All the leaders were independent, all untractable. They would neither fight, retire, nor treat by common consent. Sir Richard Lundin, a Baron of approved courage, had hitherto refused fealty to Edward. He now went over to the English, with his followers, and boldly justified his defection,

Heming. i.
122. 123.

* ' Venit ad ipsum diem cum ipso populo Galewaliae, et super sacrosancta mysteria ' juravit, et super gladium Sancti Thomae juramentum praestitit ;' *W. Hemingford*, T. i. p. 119. Hemingford says, that the vassals of Annandale, that is, the vassals of the elder Bruce, refused to join in the revolt. The monks of Gisbourn had large possessions in Annandale. Hemingford was of that monastery : He seems to have procured very full information of Scottish affairs at this period. *Populus Galewaliae* must be understood of the men of Carrick, in that age, a part of Galloway. Over the men of Galloway, in the more modern sense of the word, Bruce had no authority.

1297.

defection, saying, 'I will remain no longer of a party that is at variance with itself *.'

Foed. ii. 774.

Some of the leaders of this discordant army consented to treat with the English. Bruce, the Stewart, and his brother, Alexander de Lindesay, and Sir William Douglas, acknowledged their offences, and, for themselves and their adherents, made submission to Edward. The Bishop of Glasgow seems to have been the negotiator of this treaty †. [9th July 1297.]

*Foed. ii. 774.
775.*

The inconstancy of Bruce required something more binding than acknowledgements of submission, or oaths of fealty. The Bishop of Glasgow, the Stewart, and Alexander de Lindesay, became sureties for his loyalty and good behaviour, until he should deliver his daughter Marjory as an hostage. [9th July.]

*Heming. i.
124.*

But Wallace scorned submissions; leaving the opulent and powerful Barons to treat with their conquerors, he collected together the faithful companions of his fortunes, and retired indignantly towards the north. The only Baron who adhered to him was Sir Andrew Moray of Bothwell.

Edward

* 'Dicens, se nolle ulterius cum discordantibus et variantibus militare;' *W. Hemmingford*, T. i. p. 123.

† This remarkable instrument is of the following import: 'Be it known to all men: Whereas we, with the commons of our country, did rise in arms against our Lord Edward, and, against his peace, in his territories of Scotland and Galloway, did burn, slay, and commit divers robberies, [*fait arsons, homicides, et divers robberies*]; we therefore, in our own name, and in the name of all our adherents, agree to make every reparation and atonement that shall be required by our Sovereign Lord; reserving always what is contained in a writing which we have procured from Sir Henry Percy and Sir Robert Clifford, commanders of the English forces; at Irvine, 9th July 1297;' *Foedera*, T. ii. p. 774. To this instrument these words are subjoined: 'Escrit à Sire Willaume' The meaning is, as I presume, that the Barons had notified to Wallace, that they had made terms of accommodation for themselves and their party.

14 Nov. 1297.

Rot. Pat. 25 Edw 2.

p. 1. m. 1.

Drōe Robm de Brus & venabili in epō pri J. eadem grā
ad pacem Regis { Karliolē epō J. & dilectis & fideli suo
Robto de Clifffort salm.

De v̄ra fidelitate v̄reque circumsp̄ccōis industria plenam
fiduciam obtinentes: dedim⁹ vob⁹ potestatem recipiendū ad
pacem nr̄am. ad voluntatem nr̄am Robm de Brus Comitem
de Carik & familiares sue sūt vob⁹ jua^a discrecōem
vr̄am melius videbitur faciendū In cui⁹ Rē J. &c. apd
Westm̄ xiiij die Novem̄br.

Handwritten text on lined paper, likely a letter or document. The text is written in cursive and is mostly illegible due to fading and the quality of the scan. The paper is yellowed and has a vertical red line running down the left side. The text is written in dark ink on the lined paper.

1297.

Edward accepted the submission of the Scottish barons who had been in arms. He also granted liberty to the Barons whom he had made prisoners in the course of the former year; but under this condition, 'That they should serve him in his wars against France*.'

W. Heming. i.^{124.}*Feod. ii. 772.*

—782.

The measure was politic. He perceived that it was vain to hold the Barons in confinement, while their vassals and ancient dependents were at liberty†. By this artifice, of employing the leaders, he hoped to allure the meaner sort from Scotland, and to waste them insensibly in foreign wars.

The Barons who made the capitulation at Irvine, had treated not only for themselves, but for their party. Wallace and his associates would not accede to the capitulation. The Bishop of Glasgow, who had negotiated the treaty, and Sir William Douglas, who had concurred in it, behaved with more honour than is generally to be found in the transactions of those loose times. Finding themselves unable to perform

Heming. i.^{124.}*Trivet, 300.*

* Their names were, John Comyn Earl of Buchan, Constable of Scotland, Alexander Comyn of Buchan; Alexander and Robert the brothers of John Comyn of Badenoch; John Comyn the younger of Badenoch, [he became bound to give his son as an hostage,] John Comyn of Kilbride; John Earl of Athole, John de Menteth, brother of the Earl of Menteth; Richard Seward, late governor of Dunbar; David de Brechin; William Bifet, son and heir of the deceased Robert Bifet; Richard Lovel, son and heir of the deceased Hugh Lovel; Godefroy and William de Ros; David the son and David the brother of Patrick Graham; John de Glenurhard; Hugh de Airth; John and Randolph de Grant; Laurence de Angus; Alexander Corbet; Brice Tailor; Alan de Lafceles; Herbert de Morham; Alexander M'Glay, (filius Glay); William Marechal, and John de Drummond.

From the wardrobe Account for this year additional information may be gained. It appears that Sir Edmund Comyn Milit. In Joh. de Clotstorie, Wm. de la Haye, Laurence de Strabolgy, Hen. de Incherhartyn & Walter de Berkeleze Milit. were released from prison that they might go with Edward to the Flemish wars, and were at Sandwich on the 14 Sep. and the 6 following days waiting for a passage to Flanders. They were there joined by John de Cambron, Wm. Olifar, Edmund de Ramesey and William de Murryse, Knts. They had with them in all 25

† Hemingsford points this out in strong terms: 'Tota etiam familia magnatum adhaerebat ei (W. Walays), et licet ipsi magnates cum Rege nostro essent corpore, cor tamen eorum longè erat ab eo;' T. i. p. 125.

I i

Esquires whose names are not mentioned. Add. Ms. 7965. fol. 70. Mustr. ii. 37.

1297.

perform what they had covenanted, they voluntarily surrendered themselves prisoners to the English *.

Heming. i.
124.

Wallace ascribed the conduct of Wisheart to traiterous pusillanimity. In the first heat of resentment, he flew to the Bishop's house, pillaged his effects, and led his family captive †.

Ford. xi. 29.

Under the conduct of Wallace and Sir Andrew Moray, the Scottish army increased in numbers and force. While Wallace besieged the castle of Dundee, he received intelligence, that the English drew near Stirling. Wallace charged the citizens of Dundee, under pain of death, to continue the blockade of the castle. He hastened with all his troops to guard the important passage of the Forth; and encamped behind a rising ground in the neighbourhood of the abbey of Cambuskenneth.

Ford. ii. 787.

Brian Fitz-allan had been appointed governor of Scotland by the English King. Warenne remained with the army, waiting the arrival of his successor. He therefore studied to avoid a general action. He imagined that Wallace might be induced, by fair conditions, to lay down his arms, and dispatched two friars to the Scottish camp, proffering terms. 'Return,' said Wallace, 'and tell your masters, that we came not here to treat, but to assert our right, and to set Scotland free: Let them advance, they will find us prepared ‡.'

Heming. i.
126.

“ He

* It must, however, be remarked, that Edward ascribed this voluntary surrender to the treachery of Wisheart. He asserted, that Wisheart repaired to the castle of Roxburgh under pretence of yielding himself up, but with the concealed purpose of forming a conspiracy, in order to betray that castle to the Scots. In proof of this, Edward appealed to intercepted letters of Wisheart; *Ancient muniments, London.*

† ‘ Iratus animo, perrexit ad domum Episcopi, et omnem ejus suppellectilem, arma, et equos, filios etiam Episcopi, nepotum nomine nuncupatos, secum abduxit;’ *T. i. p. 124.*

‡ ‘ Nos paratos invenient etiam in barbas eorum;’ *W. Hemingford, T. i. p. 126.* I believe that the expression might be aptly translated, ‘ we send them defiance.’

28 Aug. 1297.

Rot. Pat. 25 Edw. I.

p. 2. m. 7.

I intendendo Briano fil. Alani } R^o univ^{er}s^{is} & singul^{is} vice^{b^{us}} & aliis
Custodi regni & terre Scoe } fil^{is} suis ac balliis & Ministris
ultra Frontam tam infra libertates q^{ua}m extra ad quos R^{ex} saltim
Cum mittamus dilectum & filium nostrum Brianum filium Alani Custodem
nostrum regni & terre Scoe ad p^{ar}tes Scoe ad quosdam rebelles
malefcores & pacis nostre p^{er}turbatores in p^{ar}tib^{us} illis discurrentes
homicidia & alia dampna. q^{ui}a via p^{ro}p^{ri}et^{er}anda justiciandos & con-
rebellionem ac maliciam repriment^{ur}. vos n^{ost}ri in fide & dilectio-
ne quib^{us} nos tenemini firmit^{er} iungentes q^{ui}d eidem Briano tanq^{ua}m
nos ip^{si}s ad p^{ro}missa o^mnia & singula faciend^{um} & complenda cu^m
equis & armis & toto p^{ro}p^{ri}o v^{ost}ro sitis intend^{er}et^{ur} & confut^{ur}. &
auxil^{ium} & facient^{er} quod vos s^{ibi} h^{ab}itis iunget^{ur} v^{ost}re iungi faciet
ex p^{ar}te n^{ost}ra Et hoc sicut honorem nostrum diligetis & de fidelitat^e
v^{ost}re constanter confidem^{us} nullaten^{us} o^mittatis. In cui^{us} R^{ex}
q^{ui}a diu nos placuit d^{omi}n^{us} I^{ste} ut s^{ci} [Edwardus fil^{ius} R^{egis}
apud Tanebrigg xxviii die Aug.]

1297.

‘He defies us,’ cried the English, and impatiently demanded to be led on. Sir Richard Lundin remonstrated against the extravagance of making a numerous army defile by a long narrow wooden bridge, in presence of the enemy *; telling them, that the Scots would attack them before they could form on the plain to the north of the bridge, and thus overthrow their disunited forces. He offered to shew them a ford, and with five hundred horse, and a select detachment of infantry, to come round upon the rear of the enemy, and by this diversion, facilitate the operations of the main body. His judicious proposal was rejected, under pretence that the army would be thereby divided; but probably because the English were not assured of his fidelity. Warrene himself still inclined to avoid a general engagement; but Creffingham passionately exclaimed, ‘Why do we thus protract the war, and waste the King’s treasures? Let us fight, as is our bounden duty.’

Heming. i.
127.
Trivet, 307.

To the ignorant impetuosity of this ecclesiastic, Warrene submitted his own judgement. The English army began to pass over; Creffingham led the van. Wallace rushed down, and broke them in a moment. The wretched Creffingham fell; many thousands were slain on the field, or drowned in their flight. The loss of the Scots would have been inconsiderable, if Sir Andrew Moray of Bothwell, the faithful companion of Wallace, had not received a mortal wound †. [11th September 1297.]

Ford. xi. 29.

A

* ‘Quoniam, ut dicebant quidam, qui in eodem conflictu fuerant, si a summo mane usque ad horam undecimam, absque ulla interruptione vel impedimento, transissent, adhuc extrema pars exercitus in parte magna remansisset; nec fuit aptior locus in regno Scotiae ad concludendum Anglicos in manus Scotorum, et multos in manus paucorum;’ *W. Hemingford, T. i. p. 128.* He says, that the English army consisted of 1000 horsemen and 50,000 foot; *ibid. p. 127.*

† ‘Vulneratus occubuit;’ *Fordun, L. xi. c. 29.* The indignities with which the Scots

1297.

Heming. i.
130.

A panic seized the English who had been spectators of the rout; they burnt the bridge *, abandoned all their baggage, and precipitantly fled to Berwick †. Thus was Scotland once more free.

Ford. xi. 29.

The surrender of the castle of Dundee, and of the other strengths of Scotland, was the immediate consequence of the victory at Stirling. The Scots took possession of the town of Berwick, which the English had evacuated.

Ford. xi. 29.

A great famine arose in Scotland, the consequence of bad seasons, and of the disorders of war. With the view of procuring sustenance to his numerous followers, Wallace marched his whole army into the north of England. He took as his partner in command the young Sir Andrew Moray, whose father had fallen at Stirling.

Heming. i.
131.—136.

The English historians pathetically describe the terrors and misery of the inhabitants of Cumberland and Northumberland at this season. The Scottish inroads were generally momentary and transient; but *now* a mighty army fixed its residence in the north of England. That wide tract of country from Cockermouth and Carlisle to the gates of Newcastle,

Scots treated the dead body of Cressingham must not be passed over in silence, however dishonourable to the conquerors. 'Quem exoriantes Scoti, diviserunt inter se pellem ipsius in modicas partes, non quidem ad reliquias, sed in contumelias; erat enim pulcher et grossus nimis;' *W. Hemingford*, T. i. p. 130. *Abercrombie*, vol. i. p. 531. says, 'that they made girths of his skin.' Others say, that they made *saddles* of it. I cannot discover the origin of such exaggerations. It is well that the Scots are not said to have used the skin of Cressingham for tent-coverings and camp-cloaks.

* Buchanan, following *Blind Harry*, reports, that the bridge broke down by means of a stratagem of Wallace. The story is too childish to be repeated. I only mention it, to show how our historians, from the love of the marvellous, have depreciated the glory due to the valour of their countrymen.

† *Hemingford* gives a lively example of this, 'Comes noster, oblitus senectutis suae, profectus est apud Berewyck, cum festinatione tanta, quod dextrarius, in quo federat, in stabulo Fratrum Minorum positus, nusquam pabulum gustavit;' T. i. p. 131.

1297.

Newcastle, was wasted with all the fury of revenge, licence, and rapacity. Wallace attempted to repress these outrages, but in vain: 'Abide with me,' said he to the Canons of Hexceldsham, 'there alone can you be secure; for my people are evil-doers, and I may not punish them *.'

This grievous visitation endured for upwards of three weeks †. *Heming. i. 132.*
Wallace then drew off his army.

1298.

Wallace now assumed the title of *Governor of Scotland, in name of King John, and by the consent of the Scottish nation* ‡. *Anderson, Diplomata Scotiae, No. 44.*

That

* It was at this time that he granted the famous protection to the Prior and Convent: It runs thus: 'Andreas de Moravia et Willelmus Wallensis, (l. Walays.) *Duces exercitus Scotiae, nomine praeclari Principis Domini Johannis, Dei gratia, Regis Scotiae illustris, de consensu communitatis regni ejusdem, omnibus hominibus dicti regni ad quos praesentes literae pervenerint, salutem. Sciatis, nos, nomine dicti Regis, Priorem et Conventum de Hexhildesham in Northumbria, terras suas, homines suos, et universas eorum possessiones, ac omnia bona sua, mobilia et immobilia, sub firma pace et protectione ipsius Domini Regis, et nostra, justè suscepisse. Quare firmiter prohibemus, ne quis eis in personis, terris, seu rebus, malum, molestiam, injuriam, seu gravamen aliquod inferre praesumat, super plenaria forisfactura ipsius Domini Regis, aut mortem eis, vel alicui eorum, inferat, sub poena amissionis vitae et membrorum; praesentibus post annum minimè valeturis. Dat. apud Hexhildesham, vii. die Novembris; IV. Hemingford, T. i. p. 135.* It will be remarked, that, in this instrument, Wallace assumes not the character of *governor*. He and his companion assume no other title but that of *leaders of the Scottish army*. They act in the name of John Balliol, whom they still chose to acknowledge as their sovereign. The prohibition to slay any ecclesiastic of the convent of Hexceldsham, shows that the Scots had been guilty of uncommon barbarities. This protection, by letters patent, was to continue in force for a year, and no longer. Wallace hereby intimated his intention, either of remaining *long* in Northumberland, or of returning *soon*.

† 'Vacabant Scoti incendiis et rapinis a festo Sancti Lucae, (18th October,) usque ad festum Sancti Martini,' (11th November); *IV. Hemingford, T. i. p. 132.*

‡ 'Willelmus Walays miles, *custos regni Scotiae, et ductor exercituum ejusdem, nomine*

1298.

That he deserved the office, is certain. *How* he obtained it, must remain for ever problematical.

Under that title he conferred the constabulary of Dundee on 'Alexander, named *Skirmischur*, and his heirs, for his faithful aid in bearing the royal banner of Scotland, which service he actually performs.' This grant is said to have been made 'with the consent and approbation of the Scottish nobility *,' [29th March 1298.]

Ford. xi. 31.

From this period I presume to date that jealousy which the great Barons of Scotland entertained of Wallace. Fordun reports, that it was the language of many of the nobility, 'We will not have this man to rule over us.' His elevation wounded their pride; his great services reproached their inactivity in the public cause. Pride and envy might affect to consider his hereditary grants as an alarming exercise of sovereign power. Thus did the spirit of distrust inflame the passions and perplex the counsels of the nation, at that important moment, when the being of Scotland depended on its unanimity.

*Foed. ii. 791.
813.*

Edward had passed over to Flanders before the battle of Stirling. He remained there till spring 1298 †.

Returning

'nomine praeclari Principis Domini Johannis, Dei gratiâ, Regis Scotiae illustris, de consensu communitatis ejusdem;' *Anderson, Diplomata Scotiae, No 44.*

* 'Pro fidei servitio suo et succursu suo praedicto regno impenso, portando vexillum regium in exercitu Scotiae tempore confectionis praesentium, apud Torphichen [in West Lothian,] 29th March 1298.' The grant bears, '*per consensum et assensum magnatum dicti regni.*' I suppose that this must be understood of the Barons who were in the army of Wallace.

† He left England on the 22d August 1297, and returned on the 14th March 1298. He landed at Sandwich; *Foedera, T. ii. p. 791. p. 813.* I mention this last date, as it shows the great improbability of our popular story that Edward met the army of Wallace on Stanmore, 20th March 1297-8, [St Cuthbert's day]; *A. Blair, Relationes, P. 4. 5. quarto edition.*

1298.

Returning to England, he summoned the Scottish Barons to a parliament at York, under pain of rebellion. The Scottish Barons, from the dread of Wallace, or from aversion to Edward, disobeyed the summons. The English army advanced towards the borders. The Scots retired.

Heming. i.
144. 145.

The English rendezvoused at Berwick, formidable in numbers, and animated by the presence of their sovereign.*

Heming. i. 159.

A body of English, commanded by Aymer de Valloins, Earl of Pembroke, landed in the north of Fife. Wallace attacked and routed them in the forest of *Black Ironside* [12th June 1298.] Of the Scots, Sir Duncan Balfour sheriff of Fife was slain †.

A. Blair, Relations, 5.

In

* *W. Hemingford*, says that this army excelled in cavalry. There were 3000 horsemen armed at all points, and upwards of 4000 horsemen in armour, but whose horses were not armed. ‘*Tria millia electorum in equis armatis, praeter equitantes armatos in equis non armatis, qui numerabantur plusquam quatuor millia electa.*’ The King desired no infantry except volunteers: Their number amounted to 80000; *T. i. p. 159.*

† This is related on the credit of the Scottish historians. The English mention it not. The story, however, is not inconsistent with probability. I cannot say so much for the famous story of *the Barns of Air*. It is asserted, that Wallace, accompanied by Sir John Graham, Sir John Menteth, and Alexander Scrymgeour Constable of Dundee, went into the west of Scotland to chastise the men of Galloway, who had espoused the party of the Comyns and the English. That, *on the 28th August 1298*, they set fire to some granaries in the neighbourhood of Air, and burnt the English cantoned in them; *A. Blair*, p. 5. *J. Major*, fol. 70. This relation is liable to much suspicion. 1. Sir John Graham could have no share in the enterprize, for he was killed at Falkirk 22d July 1298. 2. Comyn, the younger of Badenoch, was the only man of the name of Comyn who had any interest in Galloway, and he was at that time of Wallace’s party. 3. It is not probable that Wallace would have undertaken such an enterprize immediately after the discomfiture at Falkirk. I believe that this story took its rise from the pillaging of the English quarters about the time of the treaty of Irvine in 1297, which, as being an incident of little consequence, I omitted in the course of this history. See *W. Hemingford*, T. i. p. 123.

1298.

Heming. i. 160. In June Edward invaded Scotland by the way of the eastern borders. No place resisted him except the castle of Dirleton. After a resolute defence, it surrendered to Anthony Beck, Bishop of Durham *.

Heming. i. 166.
Trivet. 314.

Meanwhile the Scots were assembling all their strength in the interior part of the country. Few Barons of eminence repaired to the national standard. They whose names are recorded, were John Comyn of Badenoch, the younger; Sir John Stewart of Bonkill, brother to *The Stewart*; Sir John Graham of Abercorn †; and Macduff, the grand-uncle of the young Earl of Fife. Robert Bruce again acceded to the Scottish party, and with his followers guarded the important castle of Air, which kept the communication open with Galloway, Argyleshire, and the Isles ‡.

Heming. i. 160.
161,

The aim of Edward was to penetrate into the west, and *there* to terminate the war. He appointed a fleet, with provisions, to proceed to the Frith of Clyde, and await his arrival in those parts. This precaution was absolutely necessary for the subsistence of his numerous army in a country impoverished and waste.

Waiting

* This castle belonged to the *de Vallibus*, or, *de Vaux*. From its ruins it appears to have been once a mighty fabric.

† Sir John Graham has been generally called of *Dundaff*. Symphon, *History of the Stewarts*, p. 63. calls him of *Abercorn*. See also *Abercrombie*, Vol. i. p. 550. Graham Dominus de Abercorn, in 1303, was proprietor of Dalkeith; *Dalrymple*, p. 397. That estate went from the *Grahams* to the *Douglasses*, and was purchased from the family of *Morton* in 1642 by the family of *Buccleugh*.

‡ During the course of this winter, Sir Robert Clifford had made two inroads into Annandale, ravaged Bruce's estates, and burnt Annan and ten villages in its neighbourhood; *W Hemingford*, T. i. p. 137. It might be conjectured that such hostilities had estranged Bruce from the English cause; but, in truth, it is hard to reconcile his conduct, in the earlier part of his life, to any principle either of honour or interest; it was altogether capricious and desultory.

1298.

Waiting for accounts of the arrival of his fleet, he established his head-quarters at Temple-liston, between Edinburgh and Linlithgow *. *Trivet. 312.*

A dangerous insurrection arose in his camp. He had bestowed a donative of wine among his soldiers; they became intoxicated; a national quarrel ensued. In this tumult the Welsh slew eighteen English ecclesiastics †. The English horsemen rode in among the Welsh, and revenged this outrage with great slaughter. The Welsh in disgust separated themselves from the army. It was reported to Edward, that they had mutinied, and gone over to the Scots: 'I care not,' said Edward, dissembling the danger; 'let my enemies go and join my enemies; I trust that in one day I shall chastise them all.' *Heming. i. 161.*

Edward was now placed in most critical circumstances. As the fleet with provisions had been detained by contrary winds, he could not venture to advance, neither could he subsist any longer in his present quarters. To retreat would have sullied the glory of his arms, and exposed him to the obloquy and murmurs of a discontented people. Yet he submitted to this hard necessity. Abandoning every prospect of ambition and revenge, he commanded his army to return to the eastern borders. At that moment intelligence arrived, that the Scots were advanced to Falkirk. *Heming. i. 162.*

Edward instantly marched against them. His army lay that night in the fields ‡. While Edward slept on the ground, his war-horse struck *Heming. i. 162. 163.*

* *Sir Robert Sibbald*, Comment. in Relat. A. Blair, p. 31. says, at *Torphichen*, because *Blind Harry* says so. It was an admirable idea to correct W. Hemingford by *Blind Harry*! Had Edward fixed his head-quarters at *Torphichen*, his communication with Edinburgh and the Frith of Forth would have been speedily cut off.

† 'Rixantes cum Anglis extenderunt manus noxias in *Christos Domini* [the anointed of the Lord,] perimentes eis xviii parsonas;' *W. Hemingford*, p. 161.

‡ On a heath to the east of Linlithgow, where the cavalry would have had room to act, if the Scots had attacked them in the night.

1298.

struck him, and broke two of his ribs. The alarm arose, that the King was wounded: 'They who knew not the cause, repeated the cry, 'The King is wounded; there is treason in the camp; the enemy 'is upon us.' Edward mounted on horseback, and by his presence dispelled the panic. With a fortitude of spirit superior to pain, he led on his troops. At break of day, the Scottish army was descried, forming on a stony field at the side of a small eminence in the neighbourhood of Falkirk *.

Wallace ranged his infantry in four bodies of a circular form. The archers, commanded by Sir John Stewart, were placed in the intervals. The horse, amounting to no more than a thousand, were at some distance in the rear. On the front of the Scots lay a morass.

Walsing. 75.
M. West. 451.

Having drawn up his troops in this order, Wallace pleasantly said, 'Now I have brought you to *the ring*, dance according to your skill †.'

Edward

'In campo duro, et in latere uno cujusdam montiscilii juxta Fawkirke;' *W. Hemingford*, T. i. p. 163.

* *W. Hemingford* is the only historian who gives a circumstantial account of the arrangement of the Scots. He enters into so minute a detail, that there can be no doubt of his having received it from some eye-witness. His words are, 'Statuerunt enim 'Scotti omnem plebem suam per turmas quatuor, in modum circulorum rotundorum, 'in quibus quidem circulis sedebant viri lancearii, cum lanceis suis obliquiter erectis. Conjuncti quidem unusquisque ad alterum, et versis vultibus in circumferentiam circulorum. Inter circulos illos erant spacia quaedam intermedia, in quibus stuebantur viri sagittarii. Et in extrema parte retrorsum erant equestres eorum;' T. i. p. 163.

† This speech of Wallace has generally been related and explained in a sense very different. I must therefore give my reasons for having departed so widely from the common opinion. *Walsingham*, p. 75. says, 'Dicens eis patriâ linguâ, *I haif brocht you to the King, hop gif you can.*' This short speech has always appeared to me as utterly inconsistent with the character of Wallace. It is commonly understood to mean, 'I have 'brought you to the King, hope if you can hope.' To say nothing of the impropriety of

1298.

Edward placed his chief confidence in the numerous and formidable *Heming.i.164.*
body of horsemen, whom he had selected for the Scottish expedition *.
He ranged them in three lines ; the first was led by Bigot Earl Marshal,
and

of the appellation of *King*, bestowed by Wallace on Edward, the sentiment, 'hope, if
'you can hope,' seems only fit for the mouth of a coward or a traitor. Abercrombie,
perceiving this, has given a more plausible interpretation of the word *hop*. He renders
the phrase thus, 'Fly if you can;' as if Wallace had meant to say, 'Fight, for you
'cannot fly.' There is nothing incongruous in this sentiment ; but surely it did not
merit to be recorded : Neither was it strictly true ; for the Scottish army might have reti-
red with unbroken forces into the forest which lay in the rear. The only satisfacto-
ry interpretation of Wallace's address to his troops is to be found in M. Westm. p. 451.
'Ecce adduxi vos ad *annulum*, charolate [chorolate,] five tripudiate vos, sicut melius
'scitis.' *King* in Walsingham ought to be *ring* : The words of Wallace were, 'I haif
'brocht you to the ring, hap, if you can.' *The ring* means the *dance à la ronde*. Douglas
translates 'Exercet Diana *choros*,' *Æneid* ii. thus, 'Ledand *ring-dances* ;' p. 28.
l. 42. 'Te lustrare *choros*,' *Æneid* vii. thus, 'To the scho led *ring-fangis* in karo-
'ling ;' p. 220. l. 31. Elsewhere, in his own person, he says, 'Sum fang *ring-fangis* ;'
Prologue xii. B. p. 402. l. 33. That *hap* or *hop* is understood of dancing, is also plain
from Douglas. He thus paraphrases 'Hic exultantes Salios,' *Æneid*. viii.

'The danfand Preiftis, clepit *Salii*,

'*Happand* and fangand ;' p. 267. l. 21.

I need not prove, that 'gif you can,' implies 'if you have skill,' or, 'according to
'your skill.' The verb is obsolete ; but the noun and the adjective are still remember-
ed. 'Let my right hand forget its *cunning*.' 'A *cunning* artificer,' 'a *cunning* man.'

* 'Comites primæ aciei, sc. Comes Marefcallus, Comes Herfordensis, et Comes
'Lincolnienfis, direxerunt aciem suam linealiter ad hostes, nescientes *lacum* interme-
'dium *bituminosum* [what we term a *peat-moss*, and what in Ireland is termed a *turf-*
'*bog*,] quem cum vidissent, circumduxerunt eum versus occidentem, et sic in parte re-
'tardati sunt : Acies vero secunda, scilicet Dunelmensis episcopi, quæ constituta
'fuerat ex xxxvi vexillariis electis, sciens impedimentum laci illius, tendebat ad orien-
'tem, ut eum circumduceret ;' *W. Hemingford*, T. i. p. 164. I imagine that the three
thousand men at arms, or *equites cataphracti*, were in these two lines, and that the rest
of the cavalry was placed in the King's division.

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and the Earls of Hereford and Lincoln; the second by the Bishop of Durham, having under him Sir Ralph Basset of Drayton; the third, intended for a reserve, was led by the King himself. No mention is made of the disposition of the English infantry: It is probable that they were drawn up behind, to support the cavalry, and to annoy the Scots with their arrows, and other missile weapons.

Bigot, at the head of the first line, rushed on to the charge. He was checked by the morasses, which in his impetuosity he had overlooked. This obliged him to incline to the solid ground on his left, towards the right flank of the Scottish army. The Bishop of Durham, who led the second line, inclined to the right, turned the morasses, and advanced towards the left flank of the Scottish army. He proposed to halt, till the reserve should advance. 'To mass, Bishop,' cried Basset, and instantly charged. The shock of the English cavalry on each side was violent, and gallantly withstood by the Scottish infantry: But the Scottish cavalry, dismayed at the number and force of the English men at arms, immediately quitted the field. Stewart, while giving orders to his archers, was thrown from his horse, and slain. His archers crowded round his body, and perished with him *. Often did the English strive to force the Scottish circle. 'They could not penetrate into that wood of spears,' as one of their historians speaks. By repeated charges, the outermost ranks were brought to the ground. The English infantry

* This is well described by *Hemingford*. 'Inter quos frater senescalli Scotiae, cum ordinasset viros sagittarios de foresta de Selkyrke, casu ex equo cecidit, et inter eosdem sagittarios occisus est. Circumsteterunt enim eum iidem sagittarii, et cum eo corruerunt homines quidam elegantis formae et procerae staturae;' T. i. p. 165. In those days *the Forest of Selkyrke* appears to have comprehended not only the tract now known by that name, but also the upper part of Clydesdale and Airshire. Thus *Hemingford* says, p. 165. 'Diverterunt nostri per medium forestae de Selkyrke, usque castellum de Are.'

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infantry incessantly galled the Scots with showers of stones and arrows *. M'Duff and Sir John Graham fell †. At length the Scots were broken by the numbers and weight of the English cavalry, and the rout became universal. [22d July 1298.] *Ford. xi. 34.*

The number of the Scots slain in this battle must have been very great ‡. As is commonly the case, it is exaggerated by the historians of the victors, and reduced too low by the historians of the vanquished.

On the side of the English, the loss was inconsiderable. The only persons of note who fell were Brian le Jay, Master of the English Templars §, and the Prior of Torphichen in Scotland, a knight of another order of religious soldiery. *Trivet. 313. M. West. 431.*

I have

* ‘Peremptis vero sagittariis, dederunt se nostri ad Scottos lancearios qui, ut dictum est, sedebant in circulis cum lanceis obliquatis, et in modum silvae condensae. Dumque non possent equestres ingredi prae multitudine lancearum, percusserunt exteriores et perforaverunt plures lanceis suis. Sed et pedestres nostri sagittabant eos, et quidem allatis rotundis lapidibus, quorum erat ibi multitudo copiosa, lapidabant eos;’ *W. Hemingford, T. i. p. 165.*

† It is a general tradition, that Sir John Graham was slain at Falkirk. The inscription on his tomb is,

‘Mente manumque potens, et Vallae fidus Achates;
‘Conditur hic Gramus, bello interfectus ab Anglis.’

This epitaph, I doubt, is not so antient as the 13th century.

‡ *Walsingham, p. 42.* computes the number of the slain at 60000. *W. Hemingford, T. i. p. 165.* at 50000. *M. Westm. p. 431.* at 40000. *Trivet, p. 313.* at 20000. *Buchanan, L. viii. p. 139.* at 10000.

§ Boece, seeing his name written, *Frere Brian Jay*, has Latinized it thus, *Frerus Brianges*. He says, that this *Frerus Brianges* was ‘Multum peritiâ belli apud suos insignis;’ *Scot. Hist. B. xiv. fol. 296. a.* As *Frerus Brianges* was a warrior of Boece’s own making, he could do no less than provide him with a character. Buchanan mended the style a little, but tells the same story. ‘Ex Anglis, *Frerus Briangius*, in re militari apud suos magni nominis;’ p. 139.

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I have drawn up this account of the action at Falkirk from the testimony of the English historians. They have done justice to the courage and steadiness of their enemies, while our historians have represented their own countrymen as occupied in frivolous unmeaning contests, and, from treachery or resentment, abandoning the public cause in the day of trial *.

The

* It would be tedious and unprofitable to recite all that has been said on this subject by our own writers from Fordun to Abercrombie. How Wallace, Stewart, and Comyn, quarrelled on the punctilio of leading the van of an army which stood on the defensive: How Stewart compared Wallace to 'an owl with borrowed feathers.' How the Scottish commanders, busied in this frivolous altercation, had no leisure to form their army: How Comyn traiterously withdrew with 10000 men; how Wallace, from resentment, followed his example: How, by such disastrous incidents, the Scottish army was enfeebled, and Stewart and his party abandoned to destruction. Our histories abound in trash of this kind: There is scarcely one of our writers who has not produced an invective against Comyn, or an apology for Wallace, or a lamentation over the deserted Stewart. What dissensions may have prevailed among the Scottish commanders, it is impossible to know. It appears not to me that their dissensions had any influence on their conduct in the day of battle. The truth seems to be this: The English cavalry greatly exceeded the Scottish in numbers, were infinitely better equipped, and more adroit: The Scottish cavalry were intimidated, and fled. Had they remained on the field, they might have preserved their honour; but they never could have turned the chance of that day. It was natural, however, for such of the infantry as survived the engagement, to impute their disaster to the defection of the cavalry. National pride would ascribe their flight to treachery rather than to pusillanimity. It is not improbable that Comyn commanded the cavalry; hence a report may have been spread, that Comyn betrayed his country; this report has been embellished by each successive relator. When men are seized with a panic, their commander *must* from necessity, or *will* from prudence, accompany them in their flight. Earl Warrenne fled with his army from Stirling to Berwick; yet Edward I. did not punish him as a traitor or a coward.

The tale of Comyn's treachery, and Wallace's ill-timed resentment, may have gained credit, because it is a pretty tale, and not improbable in itself: But it amazes me that the story of the *congress* of Bruce and Wallace after the battle of Falkirk should have gained

1298.

The Scots in their retreat burnt the town and castle of Stirling. Edward repaired the castle, and made it a place of arms. He then marched into the west. At his approach, Bruce burnt the castle of Air, and retired. Edward would have pursued him into Carrick; but the want of provisions stopped his further progress *. He turned into Annandale, took Bruce's castle of Lochmaben, and then departed out of Scotland by the western borders.

Here may be remarked the fatal precipitancy of the Scots. If they had studied to protract the campaign, instead of hazarding a general action at Falkirk, they would have foiled the whole power of Edward, and reduced him to the necessity of an inglorious retreat.

Edward held a parliament at Carlisle. He bestowed the estates of several of the Scottish Lords on his own followers. As Edward was master of a small part of Scotland only, these estates were given rather in *Hemin.i.166*

gained credit. I lay aside the full evidence which we now possess, 'that Bruce was not, at that time, of the English party, nor present at the battle.' For it must be admitted, that our historians knew nothing of those circumstances which demonstrate the impossibility of *the congress*. But the wonder is, that men of sound judgment should not have seen the absurdity of a long conversation between the commander of a flying army, and one of the leaders of a victorious army. When Fordun told the story, he placed 'a narrow but inaccessible glen' between the speakers. Later historians have substituted the river Carron in the place of the inaccessible glen, and they make Bruce and Wallace talk across the river like two young declaimers from the pulpits in a school of rhetoric.

* 'Cumque fuisset voluntatis Regiae, ut tunc *Gallwalliam* ingrederetur, deficiente tamen pane, defecit et propositum ejus;' *W. Hemingsford*, T. i. p. 166. It is plain that the historian speaks of that part of the ancient Galloway which is now called *Carrick*. As that was the estate of Bruce, we have here an additional evidence that Bruce was in arms against England. The seizing the castle of Lochmaben is another circumstance, tending to the same conclusion.

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in *hope* than *possession*. By thus gratifying some of his followers, he disgusted others *.

1299.

Prynne, iii.
665.

Foed. ii. 840.
846.

Balliol had remained a prisoner ever since 1296. He had used disgraceful methods to recover his liberty. He had solemnly declared, 'That he would never have any intercourse with the Scots, that he had found them a false and treacherous people, and that he had ground to suspect them of an intention to poison him.' Notwithstanding such solemn professions, Edward still detained Balliol in captivity. At length, by the mediation of the Pope, he enlarged him; but after a singular form: He ordered the governor of Dover to convey him to the French coast, and *there* to deliver him to the papal Nuncio, 'with full power to the Pope to dispose of Balliol and his English estate.' The governor of Dover conveyed him to Witsand, delivered him to the Nuncio, in presence of a notary and witnesses, and took a receipt for his person. [18th July 1299 †.]

While

* *Hemingford*, T. i. p. 166. relates an incident, which, though doubtful, must not be omitted. About the time of the battle of Falkirk, one Thomas Bisset came with a body of troops from Ireland, in aid of the Scots, as was supposed. He landed in the island of Arran, and made himself master of it. Hearing of the defeat of the Scots, he notified to Edward, that he had come to assist the English, and had conquered the island in their name; in consideration of his services, he requested a grant of the island to him and his heirs. Edward had promised to make no grants in Scotland without the advice of the Earl Marshall and the Earl of Hereford: Forgetful of this promise, he complied with the request of Bisset. Of the other grants, Hemingford thus speaks: 'Assignavit et dedit *in spe* magnatibus suis terras multas magnatorum regni Scotiae, scilicet comitatus comitibus, et baronias baronibus: *Vallem tamen Annandiae*, nec *Galewayam*, et quosdam comitatus, nemini assignavit. Sed, ut dicitur, ex causa distulit, ne excandescerent comites qui paulo ante recefferant, nec fortiti sunt partem inter pares suos;' *Ibid.* p. 166. 167.

† It is reported, that Edward said, in his harsh laconic manner, 'I will send him to the Pope as a perjured man, and a seducer of the people;' *Walsingham*, Hist. Angl. p. 76.

1298. 9

While Balliol was reduced to this abject state, the Scots still continued to acknowledge him as their sovereign. Notwithstanding the calamity at Falkirk, they were still in possession of the whole country beyond the Forth. Galloway also remained free.

By general consent, William Lamberton Bishop of St Andrew's, *Foed. ii. 859. 1.9.15* Robert Bruce Earl of Carrick, and John Comyn the younger *, were chosen guardians of Scotland, in the name of Balliol. Wallace was now reduced to the condition of a private man; nor does it appear that he retained any command in the armies, or influence in the councils, of that nation which he had once freed †.

The first enterprize of the new guardians was against the castle of Stirling. Edward well knew the importance of that fortress. He prepared to succour the besieged. The Scots posted themselves at *The Torwood* ‡. Their ground was judiciously chosen. It would *Foed. ii. 859.* have

p. 76. Walsingham also says, that when Balliol's coffers were searched at Dover, a gold crown and the great seal of Scotland were found in his possession; *Ibid. p. 77.* It is hard to explain how the great seal of Scotland should have remained in the hands of Balliol.

* This affords most satisfying evidence, that Comyn was not suspected of any treachery at Falkirk. 'Bruce guardian of Scotland, in the name of Balliol,' is one of those historical phaenomena which are inexplicable. *Fordun, L. xi. c. 34.* says, that Balliol named Sir John Soulis a co-regent; but that Soulis, a weak and harsh man, [simplex et rigorosus] was often thwarted by his colleagues, and retired to France in disgust. It appears from *Ryley, p. 351.* that Soulis was one of the guardians of Scotland about 1303.

† We read in *Trivet, p. 334.* 'volebant majores Scotiae, post praclium de Faukirke, Willelmo Waleys tanquam duci et capitaneo obedire.' The context shows that *volebant* is written erroneously for *nolebant*. *Unfortunately none of the five copies of Trivet preserved in the Museum contain this passage. The mistake of reading nolebāt for volebāt is one very easily incurred.*

‡ It was from the Torwood, in *foresta del Torre*, that the guardians wrote a letter to Edward, with this singular address, 'Wishing him health and the spirit of charity towards his neighbour, [caritatis spiritum erga proximum cum salute], 13th Nov. 1399. *Foedera, T. ii. p. 859.* This letter respected an armistice, upon the conditions of which the parties could not agree.

1298. 9

have been hardly practicable for Edward to raise the siege of Stirling, without dislodging the Scots from *The Torwood*. His cavalry could not have acted *there*, as in the plains of Falkirk. Yet he was resolved to hazard a battle, notwithstanding every disadvantage of ground. In *Heming. i. 170.* November, he assembled his army at Berwick; but his Barons peremptorily refused to advance. They urged the inclemency of the season, and the dangers of a winter-campaign *. The chief cause, however, of their refusal was, that Edward had not effectually confirmed certain privileges to them according to his promise. Edward ordered *Trivet, 316.* the garrison of Stirling castle to capitulate †, and returned home in disgust.

1300.

Trivet, 316. In this summer, Edward invaded Scotland by the western marches. His expedition terminated in wasting Annandale, and receiving the submission of the men of Galloway. The Scots had been taught, by fatal experience, how to maintain a defensive war. They chose their posts with skill, and they avoided a general action. According to an English historian, ‘The Welch in the English service would not act, *Foed. ii. 868.* ‘and the cavalry could not.’ By the mediation of France, a truce —870. was concluded with the Scots, to endure till Whitsunday 1301 ‡. [Dumfries, 30th October 1300.]

Robert

* ‘*Caufantibus majoribus loca palustria, propter brumalem intemperiem, immeabilia esse;*’ *Trivet, p. 316.* The meaning seems to be, that the English army could not arrive at Stirling without passing through some of *the carse grounds*, and that they were impracticable for cavalry at that season of the year.

† *M. West. p. 445.* says, that the garrison consisted of no more than 60 archers, and that it was reduced to the utmost extremities by famine; it surrendered to Sir John de Soulis who commanded the siege.

‡ There is a proviso in this treaty, that the Scots should not bring in *base* money, nor carry *good* out of England; *Foedera, T. ii. p. 869.* At this time John de St John was the English warden of the Western marches, Adam Gordon, the Scottish; *Foedera, T. ii. p. 870.*

1300.

Robert Wisheart, Bishop of Glasgow, had been long detained prisoner by the English. He was now received into favour, and renewed his oath of fealty in the most solemn form *.

In this year a new competitor for the kingdom of Scotland arose.— *Foed. ii. 844.* Boniface VIII. in a bull directed to Edward, averred, that Scotland belonged of ancient times, and did still of right belong, to the holy See. He supported this extravagant claim by strange authorities; such as, ‘That Scotland had been miraculously converted to the Christian faith by the relicks of St Andrew †.’ He then proceeded to confute the pretensions of Edward, by showing that Scotland owed no feudal dependency to the English crown. He required Edward to free all the Scottish ecclesiastics, particularly Wisheart Bishop of Glasgow ‡, and to remove his officers from *the patrimony of the church*. ‘But, [added he], should you have any pretensions to the whole or any part of Scotland, send your proctors to me within six months; I will hear and determine according to justice. I take the cause under my own peculiar cognisance ||.’

This

* Not from constraint, but of his own free will, he renewed his fealty, swearing upon the consecrated host, and upon the cross *neyt*, and the black cross of Scotland. ‘Ne mie par destrefce, mes par notre bone e agreable volonte. La foyaute, ke nous ly feysmes avant ces oures, renovelons. Et cest ferment avons nous fet sur le cors nostre Seigneur, et la cross *neyt*, et la blake rode d’Escoce;’ *Foedera*, T. ii. p. 867. [At Holmcoltram, 7th October 1300.]

† *Trivet* was at a loss to understand how the spiritual conquest of Scotland by the bones of St Andrew could confer any right on the successor of St Peter. He therefore put *St Peter* for *St Andrew*; p. 319. The relicks of St Andrew, brought into Scotland by Regulus, consisted of the following pieces: One joint of the Saint’s arm; *item*, Three fingers of his right hand; *item*, One tooth; *item*, One knee-pan; *Fordun*, L. ii. c. 58.

‡ Wisheart had been already set at liberty.

|| ‘I advocate the cause,’ i. e. I will determine between you and myself. Rymer erroneously dates this bull in 1399.

1300.

Ford. xi. 35.
Walsing. 78.

This interposition of the Pope had been procured by certain Scottish emissaries at the court of Rome *. Walsingham roundly avers, 'That the Scots, knowing all things to be venal at Rome, conciliated the favour of Boniface by large bribes.'

Prynne, iii.
879.

The Pope required the Archbishop of Canterbury, by his clerical obedience, to deliver the bull into the hands of Edward. The Archbishop unwillingly discharged this odious commission. Edward referred the answer to his parliament †.

Prynne, iii.
885.—887.

The Pope's bull afforded matter of very serious consideration to Edward and his counsellors. How they should proceed, was deliberately agitated. Various plans were proposed. Each was liable to objections ‡. The winter was spent in ransacking monasteries for historical vouchers of *the homage*, in procuring the opinions of lawyers, and

* They were William Frier, [dictus *Frater*, *Foedera*, T. ii. p. 971.], Professor of canon law in the university of Paris, Baldred Bisset, and William Eglesham; *Fordun*, L. xi. c. 35. The Pope's arguments for the independency of Scotland were certainly suggested by them. Edward knew this; *Foedera*, T. ii. p. 883. 'Quae procul dubio ab antiquo notoria fuerunt et existunt, licet aliud fortè paternis auribus, *per pacis aemulos et rebellionis filios*, fuerit falsà insinuatione suggestum; quorum machinosa et imaginaria figmenta vestra providentia, quaesumus, aspernetur.'

† Prynne, as well as other compilers, has recorded the Archbishop's answer to the Pope, giving an account of his journey to Scotland, and of his audience of Edward, vol. iii. p. 882. Though disfigured by the ignorance of transcribers, it is curious, and exhibits a lively picture of the state of the country at that time. The Archbishop seems to reckon *Annandale* as part of Galloway. *Walsingham* relates, that the Pope wrote, 'Neque esse poterat quin civitas Jerusalem suos cives protegeret, et confidentes in Domino, sicut mons Sion, confoveret.' This having been interpreted to the King, he made answer, with a great oath, 'I will not be silent neither for Sion nor Jerusalem; but while I breathe, I will assert what all the world knows to be my right;' p. 78. The story is characteristical; but, I doubt, is not true; for there is no mention of *Sion and Jerusalem* in the Pope's bull.

‡ Prynne, vol. iii. p. 885.—887. gives a full state of the case. It is incorrectly transcribed. At p. 887. *laicum mandatum*, for *latum mandatum*, makes compleat nonsense.

1300.

and in adjusting proper answers to the Papal pretensions. So important were *pretensions* esteemed, at that period, which in our days can hardly be mentioned without departing from the gravity of historical narrative.

1301.

The English parliament and the King made separate answers to the Pope.

The parliament made answer to this effect: ‘All England knows, *Feod. ii. 873.*
‘that, ever since the first establishment of this kingdom, our Kings
‘have been the liege lords of Scotland. At no time has the kingdom
‘of Scotland belonged to the church. In temporals, the Kings of
‘England are not amenable to the See of Rome. We have, with one
‘voice, *resolved*, That, as to temporals, the King of England is in-
‘dependent of Rome; that he shall not suffer his independency to be
‘questioned; and, therefore, that he shall not send commissioners to
‘Rome.

‘Such is, and such, we trust in God, will ever be our opinion.

‘We do not, we cannot, we must not, permit our King to follow
‘measures subversive of *that* government which we have sworn to
‘maintain, and which we will maintain *.’ [Lincoln, 12th Feb.
1300-1.]

In his answer, the King took a larger compass of argument. Be- *Feod. ii. 883.*
ginning from Brute the Trojan, he deduced the feudal homage of —888.
Scotland

* That shallow creature Prynne overlooks the noble evidence of *the power of parliament*, arising from this instrument; but takes care to observe, ‘That this is a most remarkable evidence of the King of England’s ancient indubitable right to, and sovereign dominion over the kingdom and Kings of Scotland in all ages;’ vol. iii. p. 893. The Pope’s bull affords just as good evidence, that Scotland was the patrimony of St Peter. But ‘the instrument was sealed *with one hundred of the seals of the barons.*’ Had Boniface supposed, that what was false could be converted into truth, in virtue of the number of seals, he could have produced the seals of a thousand bishopricks, abbeys, and monasteries, in support of his pretensions.

1301.

Scotland down to his own conquest in 1296. But he totally omitted the *renunciation* by the generous Richard *.

To the Pope's claim on the miraculous relicks of St Andrew, Edward opposed another miracle. 'Athelstane King of England,' said he, 'overcame the rebellious Scots in battle, through the intercession of St John of Beverley. He prayed, through the same intercession, for a visible sign, whereby all men of that age, and of the ages to come, might know that the Scots were of right subject to England. Having thus spoken, he drew his sword, struck a flinty rock in the neighbourhood of Dunbar, and made a gash in it of about an ell in length. The evidence of this miracle is twofold: 1. The mark appears on the rock at this day; 2. The legend of the miracle is weekly recited in the church of Beverley, to the praise and glory of St John.' In such a strain did one of the most sagacious princes of that age address himself to the shrewdest ecclesiastic!

Foed. ii. 883.

On July 28, Edward was at Kelso, A.D. 1296. f. 26. Illustrat. i. 74, and on Aug. 4, at Peebles. ibid. 2 Sept. at Glasgow, 3 Sept. at Mauness, 6 Sept. at Bothwell. id. f. 266. id. p. 76. From the 20-26 Aug. he Heming. i. 196. was at Glasgow. id. 75. The same MS. contains notices of him Trivet. 332. at Kelso on the 22 July, and at Linlithgow on Nov. 1, 6, 11, and 16. Illustrat. ii. 28.

Ford. xii. 1.

'This [said he] I communicate to your paternity, not in the form of an answer to a plea, but altogether extrajudicially, and for the single purpose of quieting your conscience.' [7th May 1301.]

Having thus confuted the Pope, and established the justice of his own cause, Edward again marched into Scotland. This campaign was inactive†. Edward wintered at Linlithgow. He built a castle *there*. His cavalry suffered exceedingly from the severity of the weather, and the scarcity of forage.

By

* Wilfully disguising the truth of history, he says, 'That William King of Scots did homage to Richard at Canterbury.' This was the more extraordinary, because he knew that those *enemies of peace*, the Scottish emissaries at Rome, could expose his bad faith and prevarication.

This passage in Trivet is printed upon the authority of a single MS. and is not found in any of the Museum copies, which I have noted in the fly leaf of the first volume: I am therefore unable to remove the difficulty.

† Trivet says, that the castle of Bochenkille surrendered to Edward without resistance; I imagine that Bonkill in the Merse is meant; p. 331. Edward built a castle at Linlithgow, which in English is called a Pele; Fordun, L. xii. c. 1. That place is still denominated *The Peel*.

1301.

By the mediation of France, a second truce was concluded with the Scots, to endure until St Andrew's day 1302, [ratified by Edward 26th January 1301-2.] Foed. ii. 892.
—896.

Subjoined to this treaty, there is a minute, bearing, 'That the French commissioners gave the title of *King* to Balliol, and asserted, that he and the Scots were the allies of France; but the English commissioners asserted, that he was not a King, and that *neither he nor the Scots were allies of France.*'

1302.

We have seen how Boniface VIII. claimed Scotland as a fief of the holy See, and required Edward to remove his officers from *the patrimony of the church*. Alarmed at the resolute answer of the English Barons, or influenced by some meaner motives, he now assumed a different tone. With the cool effrontery of a profligate politician, he thus addressed himself to Wisheart Bishop of Glasgow: 'I have heard with astonishment, that you, as *a rock of offence, and a stone of stumbling*, have been the prime instigator and promoter of the fatal disputes which prevail between the Scottish nation and Edward King of England, my dearly-beloved son in Christ, to the displeasing of the divine Majesty, to the hazard of your own honour and salvation, and to the inexpressible detriment of the kingdom of Scotland. If these things are so, you have rendered yourself odious to God and man. It befits you to repent, and, by your most earnest endeavours after peace, to strive to obtain forgiveness.' [13th August 1302.] Foed. ii. 904.

In the same hypocritical style, the Pope directed a bull to all the Bishops of Scotland, concluding thus: 'Hearken to my admonitions, and study to promote the national peace, that I may not be constrained to administer another remedy *.' Foed. ii. 905.

After

* 'Nec cogamur super iis aliud remedium adhibere;' *Foedera*, T. ii. p. 905. By this he probably means either excommunication or an interdict.

1302.

Heming. i. 197. After the expiration of the truce, Edward sent an army into Scotland, under the command of John de Segrave. Segrave conducted his troops towards Edinburgh. For the conveniency of quarters, he marched them in three divisions; but so far separated, that they could not support each other. Comyn the guardian, and Simon Fraser, with a small, but chosen band, made a forced march during the night, and at break of day approached the first division, in the neighbourhood of Roslin. Segrave led the first division; instead of falling back, he rashly advanced, and attacked the Scots. His troops were totally defeated, and himself dangerously wounded. With equal gallantry and success, the Scots encountered the second division, and, according to our historians, the third. But this is controverted by the English historians. *Ford. xii. 2.* They report, that Sir Robert Nevill and his men staid behind to hear mass; that, when they came up, they repulsed the Scots *in a great measure*, and recovered many of the prisoners. They add, ‘That of all those who staid behind to hear mass, no one was either killed, wounded, or taken prisoner *,’ [24th February 1302-3.]

Heming. i. 198.
Trivet, 336.

The

* Our historians may have exaggerated the successes of the Scottish army at Roslin. It must, however, be observed, that the English historians have attempted to throw a veil over the events of that day. This is evident from the manner in which *M. Westm.* p. 445. and *Walsingham*, p. 87. speak. Even Hemingford, though generally a fair writer, leaves more to be collected from his narrative, than he chuses to express. He says, however, ‘*reversi sunt alii [l. aliqui] in Angliam, deferentes sinistra nova regi.*’ The miracle related concerning Nevill and his devout attendants [miraculose ut creditur, contigit,] goes far to prove, that the loss of the English had been great. Hemingford also observes, that, by Nevill’s means, ‘*Scoti in magna parte sunt retrogressi.*’ The truth of the story, as to the miracle, I take to be this. Nevill, not suspecting the approach of an enemy, had remained in his quarters, performing the devotions of the day, it being the first Sunday in Lent. Before he came up, the English had been totally routed and dispersed. Nevill found some Scottish stragglers on the field, occupied probably in stripping the dead; he dispersed them, and retook some prisoners: All this, as might well have happened, was atchieved without loss. I am well pleased to see that

I am inclined to believe that this Ralph is the same Ralph
de Manton, clerk of the Royal Wardrobe, who is mentioned
in the *Feodera* i. 948, 20 Jan. 1308, and who is there ~~as~~ stated
to be directed to proceed in the expedition into Scotland and
to pay the wages of the soldiers.

Mynton. ii, 116 says

In a cornyge I wrythyn fand,
That there was thretty full thousand,
That come in Scotland wyth Confiere,
The kyng of Englandis Tresorer.

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The valour and perseverance of the Scots were ill seconded by the *Foed. ii. 923.* foreign princes in whom they reposed confidence. Boniface had already deserted them, and had even threatened to anathematise Scotland, once the favourite child of the holy See. Philip le Bel King of France now concluded a treaty of peace with England, wherein all mention of the Scots is industriously avoided. [Paris, 20th May *Foed. i. 952* 1303.]

At that time the Scots had seven commissioners in France to watch *Foed. ii. 929.* over the national interests *. They appear to have been the dupes of *955* the policy of the French court. They notified to Comyn the guardian, and their other constituents, that the peace between France and England was concluded. 'Be not alarmed, [said they], that the Scots 'are not mentioned in the treaty. The King of France will immediately send ambassadors to divert Edward from war, and to procure a 'truce for us, until the two kings can have a personal conference in 'France. At that conference a peace will be concluded beneficial to 'our

that he retook any prisoners at all: For there is a shocking circumstance mentioned by *Fordun*, L. xii. c. 2. that the Scots slew their prisoners, to disembarass themselves of the trouble of guarding them. In this action an English officer of distinction fell; he is called *Sir Ralph le Cofferer*, from his office; he was paymaster of the army. 'Ex parte 'Regis stipendia ministrabat; *Hemingford*, T. i. p. 197. *Boece* calls him, *Ralph Confrene*, 'vir nobilis et strenuus dux; p. 297. a. *Tyrrell*, the great castigator of historians, calls him *Robert le Coffer*, a most valiant officer, who then served under the King of England; vol. iii. B. 9. p. 154. as if *Tyrrell* had known any thing of the warlike exploits of this *Robert le Coffer* in the service of other princes. The ridiculous part of *Tyrrell's* narrative is, that, after having mentioned the imaginary *Robert le Coffer*, he speaks of *Ralph the Cofferer*, and discovers another battle, different from that of *Roßlin*, in which the Scots overthrew the English, whom *Ralph the Cofferer* commanded.

* William Lamberton, Bishop of St Andrew's, Matthew Crambeth Bishop of Dunkeld, John Earl of Buchan, James the Stewart of Scotland, Sir John Soulis, Sir Ingram Umfraville, and Sir William Balliol; *Foedera*, T. ii. p. 929. 955

M m

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‘our nation. *Of this the King of France himself has given us the most positive assurance.* It was the opinion *both of the English and French counsellors*, that our peace would be negotiated with more facility, and on better terms, if the two Kings were once united in friendship and affinity, [by the marriage of the Prince of Wales and a daughter of France.] We therefore beseech and advise you to consent to such a truce as the King of France shall propose. But, should Edward not consent, we earnestly intreat you to prosecute the war with vigour and unanimity. Marvel not, that none of us return home at present. We would all have willingly returned; but the King of France will have us to remain here, till we can bring home intelligence of the result of this business. Wherefore, for the Lord’s sake, despair not: But, if ever you acted with resolution, do so now. For, according to the scriptures, *Whoso fainteth before he arrive at the goal, runneth in vain.* You would much rejoice, if you knew what reputation you have acquired all over the world, by your late conflict with the English. The French ambassadors will be empowered to treat of peace, as well as to negotiate a truce. This, *as the French counsellors inform us*, is for the better dispatch. Should such a treaty be proposed, conduct yourselves with all caution, lest the enemy over-reach you.’

They conclude with intreating the guardian, that the pension granted to the wife of Sir John Soulis may be continued to her until their return, ‘lest her husband, one of their own number, who has hitherto conducted himself with diligence and fidelity, should be drawn off from the public service *.’

I

* ‘Ne per subtractionem hujusmodi sustentationis praedictus Dominus Johannes, qui haecenus fideliter et diligenter laboravit circa negotia regni, ab eorundem perfectione retrahatur.’ This is singular, as Soulis is one of the writers of the letter; the reason of the pension seems to have been this: His estate lay in East Lothian, which was then in the possession of the enemy. *Salton* was anciently termed *Soulis-ton*.

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I have made an ample recital of this letter : It exhibits a characteristic portrait of fortitude and credulity.

Edward, now disengaged from foreign wars, bent his whole force *Heming. i. 205.* to subdue Scotland. He marched into the northern provinces with a mighty army. The Scots were unable to oppose him. The only fortress that interrupted the course of his conquests was the castle of Brechin. Sir Thomas Maule, distinguished for intrepidity *, com- *M. West. 446.* manded *there*. While he made an obstinate resistance, he was mortally wounded. ' May we not surrender *now* ? ' said his men. ' What, ' cowards, ' cried Maule, ' yield up the castle ! ' and with these words expired. Next day the garrison capitulated. Edward continued his victorious progress into Caithness †. He then returned towards the *Fordun, xii. 3.* south.

* ' Miles audacissimus animo et corpore, ' is the character given of him by *M. Westm.* p. 446. The same historian says, that he stood on the walls with a towel in his hand, and wiped off the rubbish which the English artillery made. ' In subannationem et ' derisum totius exercitus Anglicani. ' A governor in our days imitating the example of Sir Thomas Maule, would be ridiculous : But, in the fourteenth century, this was considered as a sign of *bold defiance*. In those days there were certain *affronts* in the manner of declaring war, and in the mode of resisting an enemy, which now are hardly intelligible. Edward I. tells the Pope, *Foedera*, T. ii. p. 837. that Balliol renounced his homage, ' as if he had *defied* me, [per verba effectum *diffidentis* experimentia.]

† By examining the dates of instruments in Pryne and Rymer, we may, with tolerable exactness, ascertain the progress of Edward during this fatal year: At *Rokeburgh*, 21st May 1303; *Edinburgh*, 4th June; *Linlithgow*, 6th June; *Clackmannan*, 12th June; *Perth*, 28th June—10th July, [An instrument in *Foedera*, T. ii. p. 934. is dated *Perth*, 10th June 1303; but this is a mistake instead of 10th July, as will appear from comparing it with a relative instrument, *ibid.*] *Aberdeen*, 24th August; *Kinlos in Moray*, 20th September,—10th October; *Dundee*, 20th October; *Kinros*, [erroneously printed *Kinlos*,] 10th November; *Dunfermline*, 11th December. Hence we may conclude, that Edward crossed the Forth near Clackmannan, and that the siege of the castle of Brechin happened in the interval between 10th July and 24th August. As Edward was at Aberdeen 24th August, and at Kinlos in Moray 20th September and

10th

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south. He wintered at Dunfermline. In that place there was an abbey of the Benedictine order; a building so spacious, that, according *M. West. 446.* to an English historian, three sovereign princes, with all their retinue, might have been lodged conveniently within its precincts. Here the Scottish nobles sometimes held their assemblies. The English soldiers utterly demolished this magnificent fabric. M. Westminster justifies their brutal extravagance. 'The Scots, [says he,] had converted the 'house of the Lord into a den of thieves, by holding their rebellious 'parliaments *there.*' The church, however, and a few mansions, *fit for monks,* were graciously spared by the English reformers*.

Trivet, 337.

The only fortress that remained in the possession of the Scots was the castle of Stirling, where Sir William Oliphant commanded. To protect this single place of refuge, Comyn assembled all his forces. He posted his army on the south bank of the river, in the neighbourhood of Stirling, *there* to make the last stand for the national liberty. The Scots fondly imagined, that Edward would attempt to force the passage, as the impetuous Cressingham had attempted in circumstances not

10th October, there is a probability, at least, that he never marched his army into Caithness. While residing in Moray, he had a view of the coast of Caithness. He may, perhaps, have crossed over in a ship, from curiosity. This may account for the expression of historians, 'that Edward went as far north as Caithness.' The truth is, that, at that time, the country to the north of Ross-shire was of small account in the political system of Scotland.

* 'Cernens igitur exercitus Regis templum Domini, non ecclesiam, sed speluncam
'esse latronum, quasi sudem in oculo genti Anglorum, misso funiculo exarsionis, antra,
'muros, palatia omnia exaequans terrae, funditus dissipavit; ecclesiâ duntaxat ab in-
'cendio reservatâ, et paucis domibus monachis regulariter competentibus;' *M. Westm.*
p. 446. That Knox and his adherents destroyed all our monasteries, is a popular opinion so deeply rooted, that it would be lost labour to endeavour to eradicate it. We know that Dunfermline, Haddington, Melros, Dryburgh, &c. were destroyed by the English. Yet still 'it was all John Knox's doing.' Let me not be misunderstood, as if I were attempting to palliate the outrages of Knox and his followers.

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not dissimilar. But the prudence of Edward frustrated their expectations. Having discovered a ford at some distance, he crossed the river at the head of his whole cavalry. The Scots gave way, and dispersed themselves.

All resources but their own courage had long failed them; that last resource failed them now. They hastened to conciliate the favour of the conqueror. Previous to this, Bruce had surrendered himself to *Trivet*, 334. John de St John, the English warden. Comyn and his followers now *Ryley*, 369. submitted to Edward. [Strathorde, 9th February 1303-4] *.

They stipulated for their lives, liberties, and estates; reserving always to Edward the power of inflicting pecuniary mulcts on them as he should see fit.

From the general conditions of this capitulation, the following persons were excepted: Wisheart Bishop of Glasgow, the Stewart, Sir John Soulis, David de Graham, Alexander de Lindefay, Simon Frazer, Thomas Bois, and *Wallace*.

With respect to them, it was provided, that the Bishop of Glasgow, the Stewart, and Soulis, should remain in exile for two years, and should not pass to the north of Trent: that Graham and Lindefay should be banished from Scotland for six months; that Frazer and Bois should be banished for three years from all the dominions of Edward, and should not be permitted, during that space, to repair to the territories of France.

‘As for *William Wallace*, it is agreed, that he shall render himself *Ryley*, 370. ‘up at the will and mercy of our sovereign Lord the King, if it shall ‘seem good to him †.’

These

* They who submitted along with Comyn, for themselves and for their adherents, were Edmund Comyn of Kilbride, John de Graham, John de Vaux, Godefroy de Ross, John de Maxwell the elder, Peter de Prendregust, Walter de Berkeley, Hugh de Erth, James de Roos, and Walter de Ruthven; *Ryley*, p. 369.

† ‘Et quant à Monsieur Guillaume de Galeys, est acorde, qu’il se mette en la volonté

1303.

These were all the conditions that the Scottish nation stipulated for the man who had vanquished the English at Stirling, who had expelled them from Scotland, and who had once set his country free.

Ford. xii. 3.

Amid this wreck of the national liberties, Wallace despaired not. He had lived *a free man*; *a free man* he resolved to die. Frazer, who had too often complied with the times, now caught the same heroic sentiments. But their endeavours to rouse their countrymen were in vain. The season of resistance was past. Wallace perceived that there remained no more hope, and sought out a place of concealment, where, eluding the vengeance of Edward, he might silently lament over his fallen country.

Trivet, 338.
Ford. xii. 3.

Edward assembled what is called *a parliament*, at St Andrew's. Wallace, Frazer, and the garrison of Stirling, were summoned to appear: They appeared not, and sentence of outlawry was pronounced against them*.

1304.

M. West. 448.

Edward now prepared to besiege the castle of Stirling. Sir William Oliphant refused to capitulate, not from any expectation of retrieving the

'lunté et en la grace nostre seigneur le Roy, si lui semble que bon soit.' There may seem to be an ambiguity in the last words; they may relate either to Wallace or to Edward; in either sense, the article of the treaty amounts to this, that Wallace should 'have no other conditions than those of surrendering at discretion;' Ryley, *Placita parlamentaria*, p. 370.

* The words of *Trivet*, p. 338. are remarkable: 'Parliamentum in villa S. Andree, circa medium quadragesimae convocavit, ad locum vero et diem statutum convenerunt omnes, qui vocati fuerant, exceptis Simone Frisel, et Willelmo Waleys, et his qui contra Regem castrum de Strivelin tenuerunt; quorum petente Rege iudicium secundum juris processum et leges Scoticanas, omnes qui convenerant concordi sententiâ pronunciant exlegatos.' It appears from *Foedera*, T. ii. p. 951. that *English* as well as *Scots* sat in the parliament of St Andrew's, 'convocatis utriusque regni proceribus.' Edward there says, that he undertook the siege of Stirling by their advice.

31 March, 1305

Lib. Roll. 33 Edw.

L. m. 6

P. J. Breghinen Epō } R^t dilectis cl^{icis} suis Johi de Sandale
& Priori Sci And^r. } Cam^{ar} suo Socie saltm. Libate de
exitibz tre n^{re} p^{re}ce J. Breghinen Epō & Priori Sci And^r
quarviginti & seadecim libr^{is} & quindecim solid^{is} videll^t p^{re}fato
Epō decem & septem libr^{is} decem & octo solid^{is} & quatuor den^{ariis}
& p^{re}dicto Priori sexaginta & decem & octo libr^{is} sexdecim solid^{is}
& octo den^{ariis} in quibz eisdem Epō & Priori tenem^r p^{er} plumb^{um}
q^{uod} eat^{ur} hi fecim^{us} tam de eccl^{esiis} q^{uam} de aliis domibz ip^{so}rum
Epi & Prioris apud Breghyn & Sc^{ilicet} And^{reā} Et nos vob^{is}
inde in exitibz p^{re}dictis ad Sc^{ilicet} n^{ost}rum Ang^{li} debitam alloc^u
ac^{ti}onem h^{ab}ere faciem^{us} J. R^{ex} apud Westm xxxj. die Marcij.
p^{er} bre de p^{ri}vato sigillo.

The first part of the paper is a list of the names of the persons who have been elected to the office of the President of the United States, from the year 1789 to the present time. The names are arranged in two columns, and are given in full, with the year of their election. The list is as follows:

George Washington	1789
John Adams	1797
Thomas Jefferson	1801
James Madison	1809
James Monroe	1817
John Quincy Adams	1825
Andrew Jackson	1829
Martin Van Buren	1837
William Henry Harrison	1841
John Tyler	1845
Franklin Pierce	1853
James Buchanan	1857
Abraham Lincoln	1861
Andrew Johnson	1865
Ulysses S. Grant	1869
Rutherford B. Hayes	1877
James A. Garfield	1881
Chester A. Arthur	1881
Grover Cleveland	1885
Benjamin Harrison	1889
William McKinley	1897
Theodore Roosevelt	1901
Taft	1909
Wilson	1913
Coolidge	1923
Hughes	1925
Carter	1929
Hoover	1933
Roosevelt	1937
Eisenhower	1953
Johnson	1961
Nixon	1969
Ford	1974
Carter	1977
Reagan	1981
Bush	1989
Clinton	1993
Bush	2001
Obama	2009
Trump	2017

1304.

the national cause, but from point of honour. Sir John Soulis had committed the castle to his charge, and he was now in foreign parts. Oliphant said, 'That he had never sworn fealty to Edward, but that he had sworn to keep the castle, and therefore must wait the orders of his constituent.' 'I am not to wait for *his* orders, [said Edward]; defend the castle if you will.'

The English historians speak with admiration of the siege of Stirling. Every engine known in those days was employed in the attack*. The King, though far advanced in years, exposed his person with the fire and temerity of a young soldier†. The defence was obstinate and bloody. All the works were ruined, many breaches made, the ditch filled up, and the castle reduced to a pile of rubbish. After a three months siege, Oliphant sought to capitulate‡. The King would listen to no terms. The garrison was obliged to surrender at discretion. A tedious pageant of submission having been exhibited, with all circumstances of refined ignominy, Edward pronounced sentence:

Heming. i.
205. 206.

M. West. 449.

Foed. ii. 951.

* Hemingsford says, that the wooden engines employed at this siege threw stones of the weight of 200 and even of 300 pounds, T. i. p. 205. M. Westm. mentions a ram, [aries quem Graeci niconam vocant,] which, however, did little execution. He also mentions a war wolf, [lupus belli,] which had a most amazing force. Among the weapons or engines used by the besieged, there was 'quod Anglicè dicitur espringold, spicula crudelissimi tormenti;' p. 449.

Foed. ii. 224 tells us that the tank was carried from the roof of the church of St. Andrews for the use of these engines. He fails to state, however, that Edward made a compensation for this injury, and in justice to the character and policy of that prince I have inserted a note from the Liberate roll ordering the payment of a considerable sum to the priory of St. Andrews for the loss sustained. See insertion.

† The account given by M. Westm. is singular; it may serve as a specimen of profound monastic eloquence: 'Ecce angelus Sathanae misit in cor hominis Scoti, ut mitteret manum in Christum Domini, qui de turri regem advertens, tensa balista, emissum spiculum direxit ad cor Regis, sed Angelus Domini ictum frustrat. Audi miraculum, telum Diaboli jacitur super Christum Domini, sed, O Sathan, sagittasti Regem, non maculasti Regem. Robam Regis perforasti, in nihilo carnem laedens. Sed neque jumentum fessoris vales perimere, dum per medium lori avolas horribilibus sibilis fellam perforas, nec cutem depilas;' p. 449.

‡ The siege was begun 22d April; Trivet, p. 338. the castle surrendered 20th July, W. Hemingsford; T. i. p. 206.

1304.

tence: 'Let them not be chained*.' This was the only hope of pardon indulged to men whose valour would have been revered by a more generous conqueror.

Heming. i.

214.

Trivet, 338.

About this time Robert Bruce, son of the competitor, died. Edward gave seifine of the lordship of Annandale to his son the Earl of Carrick.

1305

Ancient Muniments, MS. London.

The Earl of Carrick entered into a secret association with William de Lamberton Bishop of St Andrew's, in the form of indenture. By it the parties became bound to assist each other against all persons whatever, and not to undertake any business of moment unless by mutual advice †.

Scotland

* The form of the reddition of Stirling is a singular instrument, and well deserving the perusal of every one who wishes to read *manners*, as well as *events*, in the history of past ages. John Bouhs, [l. Bushe], of the city of London, papal notary, has recorded it. 'In the year of the incarnation of our Lord 1304, in the second year of indiction, on the 24th July, and on the eve of the feast of St James the Apostle, in presence of me, notary-public, subscribing, and of the witnesses subscribing, specially called, and also required to witness the premises, in a certain valley, upon a certain road which leads to a certain gate of the castle of Stirling, in the kingdom of Scotland, and diocese of St Andrew's, at the command of our sovereign Lord the King aforesaid, appeared certain noble and discreet persons, namely, the Lords Ralph de Monthermer of Gloucester, and Richard de Burgh of Ulster, Earls, &c. After a minute narrative of the treaty of capitulation, he adds: 'Quibus per ipsum constabularium intellectis, viginti quinque personas de ipso castro secum eduxit, quorum unus, ordinis sancti Dominici praedicatorum, et alius de domo de Kelso fuere, quos usque ad tunicas denudatos, zonis projectis, dictis religiosi exceptis, quos unà cum aliis, sparsis crinibus, flexis genibus, et eorum junctis manibus, et coram eodem Rege etiam elevatis, unà secum suam, eidem Regi suo Domino ligio confitentes, culpam, offensam, injuriam, inobedientiam et reatum, tremulos et *quasi cum lacrimis*, praesentavit; reddens se eidem Regi ac voluntati ipsius, ac alios praesentes, necnon omnes et singulos in castro morantes praedicto, tanquam capitaneus eorundem; necnon et ipsi praesentes se ipsos sicut et alii cum gemitibus et suspiriis reddiderunt,' &c. *Foedera*, T. ii. p. 951.

† This curious deed runs thus: 'Memorandum, quod anno Domini M,CCC,IV. die Sancti Barnabae Apostoli, [11th June], Reverendus in Christo Pater Dominus
' W.

1304.5

Scotland was subdued, yet Wallace still lived. With a mean anxiety, Edward sought to discover the retreat of the only Scotsman who had never made submissions. Ralph de Haliburton, a prisoner, offered his assistance for discovering Wallace*. Edward allowed him a temporary liberty, 'to try what he would do' in that dishonourable office. What Haliburton did, is unknown. Certain it is, that Wallace was discovered. The popular tradition is, that his friend Sir John Menteth betrayed him to the English †.

Wallace

* W. de Lamberton, Dei gratiâ, Sancti Andreae episcopus, et nobilis vir Dominus Robertus de Brus Comes de Carryk, ac Dominus Vallis Anandiae, apud Cambuskyneth convenientes, et super futuris periculis ad invicem conferentes, volentes ea, prout eis erat possibile, evitare, et aemulorum suorum conatibus prudentius resistere, in forma, quae sequitur, foedus amicitiae inierunt; videlicet, quod ipsi sibi invicem in quibuscunque suis negotiis, et agendis quibuscunque temporibus, et contra quascunque personas, fideliter consulunt, atque auxilium sive opem per se et suos, pro totis suis viribus suo perpetuo [sic MS.] sine fictione praestabunt: Et quod nullus eorum arduum aliquod negotium attemptabit, alio inconsulto, et quod quilibet eorum de periculis alteri imminentibus, quam citius ea perpendere poterit, alium praemuniet seu faciet praemuniri, et eadem pro posse suo faciet impediri. Et ad ista omnia plenè, et sine aliqua fictione fideliter tenenda, adimplenda, et observanda, fide et juramento hinc inde corporaliter praestitis, sub poena decem millia librarum Terrae Sanctae applicanda, se astrinxerunt et obligaverunt.

* 'Ad ducendum usque in Scotiam in auxilium aliorum hominum terrae illius qui circa captionem Willelmi Waleys vacabunt—ad videndum qualiter et quo modo idem Randulphus se velit gerere, et habere;' Ryley, Placita parlamentaria, p. 279.

† Sir John Menteth was of high birth, a son of Walter Stewart Earl of Menteth. At this time, the important fortress of Dumbarton was committed to his charge by Edward. That he had ever any intercourse of friendship or familiarity with Wallace, I am yet to learn. So indeed is said by *Blind Harry*, whom every historian copies, yet whom no historian, but Sir Robert Sibbald, will venture to quote. It is most improbable, that Wallace should have put himself in the power of a man whom he knew to be in an office of distinguished trust under Edward; but it is probable, that Wallace may

1304. 5

Stow, 209.

M. West. 451.

Wallace was arraigned at Westminster, as a traitor to Edward, and as having burnt villages, stormed castles, and slaughtered many subjects of England. 'I never was a traitor,' said Wallace. To the rest of his indictment he pleaded *guilty*. Sentence of death was pronounced against him. He was immediately executed, with that studied rigour, in the circumstances of punishment, which, seeking to make impressions of terror, excites pity. His head was placed on a pinnacle at London; his mangled limbs were distributed over the land. [23d August 1305 *.]

Thus perished Wallace, whom Edward could never subdue. In his last moments, he asserted that independency which a whole nation had renounced. It is singular, that Edward should have pardoned, favoured, and even trusted, the persons who had often made, and as often violated, their oaths of obedience; while the man who never acknowledged his sovereignty fell the single victim of his resentment.

His

may have been committed to the castle of Dunbarton, where Menteth commanded; the rest of the story may have arisen from common fame, credulity, the spirit of obloquy, and the love of the marvellous.

* Honest John Stow, to whom all objects appeared of equal magnitude, tells the story thus: 'William Wallace, which had oft-times set Scotland in great trouble, was taken and brought to London, with great numbers of men and women wondering upon him. He was lodged in the house of William Delet, a citizen of London, in Fen-church-street. On the morrow, being the eve of St Bartholomew, he was brought on horseback to Westminster. John Segrave and Geoffrey, knights, the mayor, sheriffs, and aldermen, of London, and many others, both on horseback and on foot, accompanying him; and in the great hall at Westminster, he being placed on the south bench, crowned with laurel, for that he had said in times past, that he ought to bear a crown in that hall, as it was commonly reported, and being appeached for a traitor by Sir Peter Malorie, the King's justice, he answered, That he was never traitor to the King of England; but for other things whereof he was accused, he confessed them; and was after headed and quartered;' Stow, Chr. p. 209.

*Captus fuit Willhelmus Wallis per unum
Scotum scilicet per Dom. Joh. de Menteth
et usque London ad Regem adductus, et
ad judicium fuit quod traheatur et
suspendatur et decollaretur et mem-
bratim divideretur, et quod viscera ejus
comburentur, quod factum est: et suspensus
est caput ejus super pontem London
armis autem dexter super pontem Novi
Castri super Tynam, et armis sinister
apud Berwicum, per autem dexter
apud villam sancti Johannis et per
sinister apud Aberdene. [f. 211.
Chron. of Lanercost. Ms. Coll. Claud. D. vii.]*

*The following curious and valuable passage
occurs in a Chronicle apparently written
in the year 1322, contained in the Ms.
Arund. 220. I add no comment upon its
information.*

*Anno M. ccc. quinto Captus est Willhelmus
Wallis qui primo fuit ribaldus et latro
et postea in guerra Scocie factus miles a
Scotis et ductor eorum factus intravit
Northumbriam quam per magna parte
combussit sed et illam nobilem ecclesiam
de Epsilham Captus autem erat in domo
cujusdam Rowe Ra per dominum
Johannem de Menethot et ductus
Londonias per dominum Johannem
de Segraue ibique accepto judicio
ibique primo tractus tanquam traheatur
postea suspensus tanquam latro et visus
post deorsum demissus decapitatus est
tanquam forda natus deinde extratus
et viscera sua combusta sunt sicut et
ipse ecclesiam hominum et mulierum
combussit. Post hoc in quatuor partes
divisus sicut et ipse gentem Scottorum
divisit a Rege suo Edwardo divisisse
caputque ejus suspensum est Londoniis
super pontem manus dextra super
pontem apud Novum Castrum super
Tynam ultra cloacas communes per
dextra apud Berewyk manus sinistra
apud Strivelyn et per sinistram apud Port
et est villam sancti Johannis. fol. 270. b.*

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His punishment has been ascribed to the barbarities which the army *M. West. 451.* under his command exercised in the north of England. This appears to have been a mere pretence: For the army under the command of the Earl of Buchan had exercised the like barbarities; yet *he* was not only pardoned, but received into favour.

Edward now proceeded to make a total settlement of Scotland. He *Ryley, 243.* consulted with Wisheart Bishop of Glasgow, Bruce, and John de Moubray. By their advice, he ordered a general council of the Scottish nation to be held at Perth; that ten commissioners should be elected, viz. two Bishops, two Abbots, two Earls, two Barons, and two for the commons*, one on each side of the Forth; that the commissioners should be invested with full parliamentary powers, and repair to his presence at London.

Accordingly the Scots elected the Bishops of St Andrew's and Dunkeld, the Abbots of Coupar and Melros, the Earls of Buchan and March; for the barons, John Moubray and Robert Keith; for the commons, Adam Gordon and John de Inchmartin. The Earl of March failed to appear†: Edward appointed Sir John Menteth in his room. *Ryley, 503.*

These *ten* commissioners, in concurrence with *twenty* from the English parliament, established regulations for the government of Scotland,

* ‘*Deux pur la commune, un de cea la mer, et un autre de la;*’ *Ryley, p. 243.* *La commune*, at that time meant *the communities of boroughs*, as appears from various passages in Prynne, where the names of those who swore fealty to Edward are recited. Edward's Scottish counsellors were of opinion, that *ten* commissioners were a sufficient number; *Ryley, ibid.*

† *Douglas, Peerage, p. 441.* says, ‘That he refused to serve in such a parliament, *the Scottish affairs beginning then to have a more favourable aspect.*’ This is a discovery indeed! The true reason seems to have been, that he chose to consider himself as an Englishman, which he was by family and in affections.

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land, and for the administration of justice to the people. The ancient forms were preserved so far as they seemed consistent with the dependent state of the nation †.

It was provided, That there should be sheriffs in the different districts of Scotland, natives of either kingdom, to be appointed and displaced in time to come by the guardian and the chamberlain; that they

† It was agreed that John de Bretagne should be the King's lieutenant and guardian in Scotland, William de Bevercotes, chancellor, John de Sandale, chamberlain, and Robert Heron, comptroller.

Next, as to the form of administering justice, that there should be four divisions of the kingdom, and two justiciaries in each division, in manner following:

Loeneys, John de l'Isle and Adam de Gordon.

Galloway, Roger de Kirkpatrick and Walter Burgheton.

Between Forth and the mountains, Robert Keith and William Inge.

Beyond the mountains, Reginald le Chien and John de Vaux of the county of Northumberland.

Here there are several things which may be mentioned in way of illustration.

Loeneys is a corrupted word. In this place it plainly implies all the country to the south of the Forth, which is not comprehended under the name of *Galloway*. I think, that at that time *Galloway* contained the country now known by that name, the stewartry of Kirkcudbright, Air-shire, and perhaps Nithsdale and Annandale.

John de l'Isle, [*Joannes de Insula*,] was a justice of assize in 1293, and baron of exchequer in 1298.; *Dugdale*, Chr. series.

Robert Keith, afterwards *marſball of Scotland*.

William Inge, retained as King's attorney 1287; attorney general 1292; justice of assize 1293; justice of common pleas 1315; chief justice of the King's bench 1317: He appears to have died in that year; *Dugdale*, *ibid*.

Reginald le Chien, corruptedly for *Le Chesne*, of a Norman family that had large possessions in Moray, and afterwards divided among heirs-parceners; it is now called *Cheyne*.

John de Vaux of Northumberland, probably to distinguish him from *John de Vaux* of Dirleton in East Lothian. *Johannes de Vallibus* was an itinerant justice so far back as 1280; baron of exchequer 1298; justice of assize 1311; *Dugdale*, Chr. Series.

If *Walter Burgheton* was an Englishman, as is most likely, there has been one justiciary of each nation, appointed for each of the four divisions.

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they should execute every thing respecting escheats, as sheriffs were wont to do; and that care be taken, that none be appointed but the most sufficient men, the most profitable for the interests of King and people, and the fittest for the maintenance of good order*.

It

* 'Ceux Viscuntes facent l'office d'escheterie sicome les Viscuntes sobeient [q. souleient?] faire;' *Ryley*, p. 504.

The sheriffs first appointed were,

Berwick, to be named by the captain of Berwick castle.

Edinburgh,	} Ive de Adeburch.
Haddington,	
Linlithgow,	

Peebles, Robert Hastang.

Selkirk, The heritable sheriff. 'Celui qui est de fee.'

Dumfries, Richard Siward.

Wigton, Thomas M'Culloch.

Air, Godefroy de Ros.

Lanerk, Henry de St Clair.

Dunbarton, John Menteth.

Stirling, William Bisset.

Clackmannan, Malcolm de Innerpeffer.

Kinros, The heritable sheriff.

Fife, Constantine de Lochore.

Perth, John de Inchmartin.

Forfar, William de Airth.

Kincardine, Richard de Dunsmore.

Aberdeen, Norman de Lesley.

Banff, Walter de Barclay.

Elgyn, William Wiseman.

Forres and Nairn, Alexander Wiseman.

Inverness, John de Stirling.

Cromarty, William de *Urquhart*, heritable sheriff.

In this list many errors of transcribers are corrected, as *Makhulagh*, *Lethelyn*, &c. *Dumors* seems to be *Dunmore*, now called *Dunsmoor*. *William de Mohant* is said to be heritable sheriff of *Crembathin*, i. e. *Cromarty*; this seems to be *Urquhart*, disfigured by the

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It was resolved, That the King's lieutenant and the chamberlain should appoint new coroners in the room of those who were unfit, 'unless they held their offices by charter *.'

As to the castles, it was resolved, That Rokesburgh and Jedburgh should be in the custody of the guardian; that John de Kingston should remain captain of Edinburgh castle, Peter Luband of Linlithgow, William Bisset of Stirling, and John Menteth of Dunbarton. Bruce was ordered to put the castle of Kildrummy into the custody of a person for whom he should be answerable. This shows how much Bruce was favoured and trusted at that time.

Ryley, 506.

There follows a provision for the laws of Scotland. This is an important circumstance in our national history. The record runs thus: 'And with respect to the laws and usages for the government of Scotland, it is ordained, that *the custom of the Scots and the Brets* shall, 'for

the transcriber. The names are spelled in the modern manner, whereby they will be the better understood.

There are several things remarkable in this catalogue. 1. No mention is made of *Teviotdale*, otherways called *Rokesburgh*. It is probable that Teviotdale was under the jurisdiction of the sheriff of Selkirk, excepting the castellanies of Jedburgh and Rokesburgh. 2. No mention is made of Renfrew. At that time it and the forest of Paisley seem to have been parts of the shire of Lanerk. See *Prynne*, vol. iii. p. 657. 663. where Houston, Fingulston, &c. are said to be in the shire of Lanerk. 3. The shires and counties are uniformly described by the name of the head-borough. 4. Auchterarder is mentioned as a shire; this seems to be *Strathern*. No sheriff is appointed for it; probably because it was a small territory, and because the jurisdiction of the Earl of Strathern extended over the greatest part of it. 5. *Forres and Nairn* [then called *Invernairn*], are joined. 6. Ross-shire is not mentioned. It was within the jurisdiction of the sheriff of Inverness. 7. Argyle, Caithness, and Sutherland, i. e. south Caithness, are omitted. It may be supposed that these remote districts were not totally subdued. 8. Mention is made of some *heritable sheriffs* who are continued in office, for such may be presumed to be the sense of the phrase, 'celui qui est de fee.'

* 'Et neent chartres du donn des offices;' Ryley, p. 505.

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'for the future, be prohibited, and be no longer practised *. It is also
 'ordained, that the King's lieutenant shall forthwith assemble the good
 'people of Scotland; and that, at such assembly, shall be read over
 'the statutes made by David King of Scots, and also the amendments
 'and additions which have been made by other Kings; and that the
 'lieutenant, with the assistance which he shall then have, as well of
 'Englishmen as of Scots, shall amend such of those statutes and usages
 'as are plainly against the laws of God and reason, as they best may,
 'in so short a space, and in so far as they can, without consulting the
 'King; and as to matters which they cannot undertake to correct of
 'themselves, that they be put in writing, and laid before the King by
 'the lieutenant, and any number of commissioners, with parliamen-
 'tary powers, whom the Scots shall think fit to chuse: That they shall
 'meet:

* We have been told, 'That Edward abrogated all the Scottish laws and customs,
 'and endeavoured to substitute the English in their place.' The *similarity* of the laws
 of the two nations, before that period, is obvious to every reader: Wherein the charac-
 teristical *dissimilarity* consisted, is a more arduous question? Its solution depends on a
 full and comprehensive view of the laws, usages, and history of the two nations: They
 who have leisure and abilities will resolve that question: I cannot. Indeed I can do
 little more than transcribe the record by which it is supposed that the law of Scotland
 was abrogated. *The usage of the Scots and the Brets*, which was abolished, appears
 to have been something altogether distinct from the laws of the land. We know from
 our statute-book, that the people of Galloway had certain usages peculiar to them;
Stat. Alex. II. c. 2. One was, that causes among them were tried without juries,
Quon. Attach. c. 72. 73. [placed in some ancient MS. among LL. *David I. c. 15.*] and
 this may, probably, have been the usage which Edward abolished. The people of Gal-
 loway were sometimes distinguished by the name of *Scots*; thus *the wild Scot of Gallo-*
way, is an expression to be found in ancient instruments, and is proverbial, even in our
 days. *The usage of the Brets*, I take to be what relates to the judge called *Brithibh*,
 or *Brehon*; in Ireland *Brehan*; and consequently, that the thing here abolished was
 the commutation of punishments, by exacting a pecuniary mulct. See *Dissertations*
 by Dr. John M'Pherson, p. 186. 187.

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‘meet with commissioners appointed by the King, and finally determine as to the premises.’

With respect to the persons whom it might be necessary to remove out of Scotland for the public security, it was provided, that the lieutenant should take the advice of *the good people of the country*, and transmit such dangerous persons to the King, who may confine them in England to the south of the Trent, as he shall see cause.

Measures were also taken for the banishment of Alexander de Lindsay and Simon Fraser, according to the capitulation of Strathorde.

Lastly, it was provided, That an oath should be taken by the commissioners of the two nations. It is nearly the same with that which in modern times is administered to privy counsellors. [23d September 1305.]

Foed. ii. 968.

Edward granted an indemnity to the Scots under certain conditions. Various fines were imposed, from *one* to *five* years rent of the estates of the delinquents. *One* year's rent was to be paid by the clergy, excluding the Bishop of Glasgow; *two* by those who were more early in their submissions than Comyn; *three* by Comyn and his associates, by Adam Gordon and Simon Fraser, and by the Bishop of Glasgow; *four* years rent was to be paid by William de Balliol and John Wisheart; and *five* by Ingelram de Umfraville, because they had stood out longer. *Three* years rent was also to be paid by the vassals of Balliol, Wisheart, and Umfraville*.

These fines were to be paid in moieties. The person taxed in one year's rent was to pay half of his income annually; and so of the rest.

* ‘Hugh d’Ardroffan, John de Gourley, John le Naper, et John M’Kilgoigny, qui font de mesuage les avantditz Ingelram William et John;’ *Foedera*, T. ii. p. 968. It is probable that the noted proposal of Sir David Dalrymple, King’s advocate, after the rebellion 1715, took its rise from this ordinance of Edward.

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rest. Thus Umfraville, taxed in *five* years rent, was allowed *ten* years to discharge the fine. [15th October 1305.]

There is an exprefs reservation to Edward of all the royal demefnes which Balliol might have alienated. There is alfo an exception as to perfons already in cuftody, and as to thofe who had not hitherto made fubmiffion.

Edward alfo recalled the condition of exile which had been annexed to the pardon of Comyn the guardian, David Graham, and the Bifhop of Glafgow.

Notwithftanding the original injuftice of Edward's caufe, it muft, in candor, be acknowledged, that the terms of this indemnity were moderate and humane.

Thus, after a long and obftinate conteft, was Scotland wholly reduced under the dominion of Edward.

Within *four months*, that fystem was overthrown, which the inceffant labours of *fifteen* years had eftablifhed by diffimulation, craft, and violence, with a wafte of treasure, and the effufion of much blood.

The caufes of this fingular event are fo differently related by the hiftorians of the two nations, and by both in a manner fo imperfect and abrupt, that a curious inquirer is at a lofs what to credit, and what to difbelieve.

In this unpleafing ftate of hiftorical fcepticifm, I purfue the courfe of my narrative.

Derverguill of Galloway had a fon, John Balliol, and a daughter, Marjory. John Comyn was the fon of Marjory, and, fetting Balliol afide, the heir of the pretentions of Derverguill. As guardian of Scotland, and leader of her armies, he maintained, for many years, the unequal conteft with Edward. At length, as has been feen, he laid down his arms, accepted conditions of peace, and fware fealty to England. Balliol had repeatedly renounced all pretentions to the crown of Scotland: Comyn therefore might be confidered as poffeffed of his

O o

pretentions

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pretensions in right of blood, supported by large estates, a numerous vassalage, and a valour approved in the course of long wars.

The pretensions of Bruce are well known. His grandfather, *the competitor*, had patiently acquiesced in the award of Edward. His father, yielding to the times, had served under the English banners. But young Bruce had more ambition, and a more restless spirit. In his earlier years, he acted upon no regular plan. By turns, the partisan of Edward, and the vicegerent of Balliol, he seems to have forgotten or stifled his pretensions to the crown. But his character developed itself by degrees, and in maturer age became firm and consistent.

Thus might the factions of Balliol and Bruce be said to have revived in John Comyn and the Earl of Carrick.

Ford. xii. 5.

Bruce, according to the traditionary report, made the following proposal to Comyn: 'Support my title to the crown, and I will give you my estate; or give me your estate, and I will support your's.' To *this* Comyn agreed. The conditions were drawn out in an indented instrument, and sealed by both parties. A mutual oath of secrecy was taken. But Comyn, either from a sense of honour, or from the dread of discovery, or with the base hope of ruining a rival, revealed the secret to Edward.

Edward questioned Bruce, and shewed him the letters of his accuser. Bruce found means to soothe the King by mild and judicious answers. Edward still suspected him, not only on account of Comyn's accusation, but because he was the rightful heir of Scotland. Nevertheless, he dissembled his suspicions until he could draw the brothers of Bruce within his power, and thus cut off the whole family at one blow. The King having drunk freely one evening, informed some of the Lords about his person, that he had resolved next day to put Bruce to death. The Earl of Gloucester hearing this resolution, sent a messenger to Bruce, with twelve pence, and a pair of spurs, as if he had meant to restore what he had borrowed. Bruce understood that this message warned him of his danger, and counselled him to flee. Much snow had

The submission, recantation, & promises of the Stewart of Scotland 3 Nov. 1305, may be seen in the Flacit. Abrev. p. 298

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had fallen during that night. Bruce ordered a farrier to invert the shoes of his horses, lest he should be traced in the snow, and immediately set out for Scotland, accompanied with his secretary and his groom. Approaching the west marches, he observed a passenger on foot, whose behaviour seemed suspicious. Bruce discovered him to be the bearer of letters from Comyn to the English King, urging the death or the immediate imprisonment of Bruce. He beheaded the messenger, and pressed forward to his castle of Lochmaben. *There* he arrived on the seventh day after his departure from London.

Bruce repaired to Dumfries, where Comyn happened at that time to reside. Bruce requested an interview with him in the convent of the Minorites. *There* they met before the great altar. Bruce passionately reproached Comyn for his treachery. 'You lie,' cried Comyn. Bruce stabbed him instantly. Hastening out of the sanctuary, he called, 'To horse.' His attendants, Lindefay and Kirkpatrick, perceiving him pale, and in extreme agitation, anxiously inquired, how it was with him? 'Ill,' replied Bruce; 'I doubt I have slain Comyn.' 'You doubt!' cried Kirkpatrick; and rushing into the church, fixed his dagger in Comyn's heart. [10th February 1305-6.]*

Sir Robert Comyn generously attempted to defend his kinsman, and shared his fate †.

The justiciaries were holding their court at Dumfries when this *Heming. i. 220.*
strange

* James Lindefay, a younger son of Alexander Lindefay of Crawford, Gospatrick of Kirkpatrick. From Fordun's account of this deed, it is uncertain whether Lindefay or Kirkpatrick struck the decisive blow: In this uncertainty, I follow the common tradition. See *Hume*, vol. ii. p. 120.

† He is commonly called *Richard*; but a letter from W. de Lamberton, Bishop of St Andrew's, to Aymer de Valence, has these words, 'nous ny avons nule manere de coupe de la morte mon Sire John Comyn ne mon Sire Robert, foun oncle;' *Ancient Muniments*, MS. London. *This is supported by the excellent authority of the MS Chronicle of Lanercost.*

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strange event happened. Imagining their lives to be fought, they barricaded the doors. Bruce ordered the house to be fired. They surrendered. He permitted them to depart out of Scotland unmolested.

Such is the account of this unhappy catastrophe delivered by our *M. West. 453.* writers. The English relate its circumstances in a different, but not more probable manner. I think that the historians of both nations have erred in their accounts, and that the real nature of this fatal quarrel is still unknown.

My opinion is, 'That Bruce, when he met Comyn at Dumfries, 'had no intention of imbruing his hands in blood, nor any immediate 'purpose of asserting his own claim to the crown of Scotland; that 'the slaughter of Comyn was occasioned by a hasty quarrel between 'two proud-spirited rivals; and that Bruce, from necessity and despair, 'did then assert his pretensions to the crown.'

It will be remembered, that Bruce and Comyn were the chiefs of two discordant factions. The interests of the two factions were irreconcilable, although the common exigencies of the state may have united them occasionally in a short and suspicious amity. The pretensions of the family of Bruce to the Scottish crown had been over-ruled by the famous *award*; yet they still subsisted in the inclinations and wishes of the partisans of that family. The same award had established the pretensions of Balliol; and it may now be said, without offence, that his pretensions were favoured by the majority of the Scottish barons. The name of Balliol continued to be used even after he had lost all personal influence over the national councils. Comyn and Bruce had been vicegerents under his acknowledged authority. But, although Bruce had concurred with Comyn in asserting the rights of Balliol, his concurrence could never be held as sincere. It was adverse to his interest; it was inconsistent with his ambition. Comyn, on the other hand, by asserting the rights of Balliol, asserted his own. Setting Balliol aside, who had repeatedly disclaimed all intercourse

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tercourse with Scotland, and setting his son Edward aside, who was a minor, and a captive in England, the pretensions of Comyn in 1305 were the same with those of Balliol in 1290.

Such was the state of parties when Bruce surrendered himself to John de St John, the English warden; made a separate peace; and was received into favour by Edward.

Comyn resisted for some longer space, but at length submitted. In his submission, he secured conditions not only for himself, but also for the leading men of his party. He and his associates were fined in three years rent of their whole estates. As Bruce had been more early in his submission, the fine imposed on him was smaller. Perhaps it was never exacted at all.

When Edward turned his thoughts to the settlement of Scotland, he consulted with Bruce; but it appears that he neglected Comyn altogether. In the establishment 1304, his name is never mentioned.

By a brave ambitious young man, of high birth, and of still higher pretensions, every honour bestowed on a rival would be viewed with jealousy and hatred. In the eye of calm unprejudiced morality, all secret machinations to supplant a competitor are odious: Yet the delicacies of morality seldom affect a politician in his pursuits of court-favour and power.

It is probable, that Comyn might have endeavoured to instil suspicions into the mind of Edward; he might have represented his rival as a dangerous person, versatile and aspiring. Reports of this might have reached the ears of Bruce, and, as generally happens, might have been magnified in the relating*.

As

* *IV. Hemmingford*, T. i. p. 219. seems to hint at this. When speaking of the conference between Bruce and Comyn, he says, 'coepit improperare ei de seditione sua, quod eum accusaverat apud Regem Angliae, et suam conditionem deterioraverat in damnum ipsius.'

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As a freeholder of Annandale, Bruce was bound to give *suite and presence* in the King's court held at Dumfries. Thus his appearance *there* on the 10th February may be reasonably accounted for, without supposing his intentions to have been hostile. His sudden journey from the south of England may be imputed to the same cause.

The appearance of Comyn at Dumfries was probably owing to some accident of a like nature.

Bruce was full of resentment at the reports which he had heard of Comyn's intrigues. He impatiently demanded an interview, and an explanation. Had Comyn been conscious of what our historians lay to his charge, he would have avoided the interview. Had Bruce meant to assassinate Comyn, he never would have proposed a sanctuary, a place so tremendous, in the notions of those times, for the scene of action. What was the nature of the conversation between two fierce and rival spirits, we can do no more than conjecture. It must have been private. Some few words only could be overheard by prejudiced attendants. It appears that the contest grew warm, and that Bruce struck Comyn with his dagger. No sooner had he achieved this rash deed, than the enormity of the offence distracted his imagination. Murder and sacrilege—they were crimes which Edward, as a sovereign, would not, and as a politician, could not, forgive. The impetuous zeal of the followers of Bruce aggravated the offence, and gave to the whole transaction the appearance of premeditated assassination.

The only alternative left for Bruce was to be a fugitive or a King. Placed in this singular situation, he asserted his claim to the Scottish crown.

To me it seems evident, that Bruce had formed no plan, nor concerted any measures, for making his claim effectual. He had not a single fortress at his command but the castle of Kildrummy, and *that* was at too great a distance to be serviceable; on his first appearance in arms, beside his own brothers and dependents, few barons, and these

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these chiefly young men, ranged themselves under his standard. He had prepared no resources, was little able to annoy the enemy, and had no means of maintaining a defensive war.

I propose these conjectures with much diffidence, and indeed with little expectation of satisfying my readers: For there are some facts which may be termed, *the land-marks of history*, by which men have been wont to conduct themselves. He who removes them, or endeavours to place them in a different point of view, is considered by all parties as a pragmatistical and dangerous innovator.

MISCELLANEOUS

MISCELLANEOUS OCCURRENCES.

[There are many little circumstances and detached incidents respecting the history of Scotland, which, if inserted in the Annals, or even in the notes, would have embarrassed my narrative, and perplexed the reader. As some of them might afford matter of amusement, and others might possibly convey instruction, I have placed them at the end of the Annals, ranged in a chronological series, under the title of MISCELLANEOUS OCCURRENCES.]

1138.

*Aldred, d. Bel.
Stand. 341.
342.*

FROM the harangue which Aldred supposes Walter L'Essec, the English general, to have pronounced before *the battle of the standard*, we learn that the Scottish infantry were altogether without armour, that they used spears of an enormous length, and that their swords were ill-tempered and brittle; that their only implement of defence was a target of leather, and that in their camp there were jesters or buffoons, and dancers, both male and female *.

1153.

*Char. Melr.
166. 167.
Ford. v. 43.*

William Comyn chancellor of Scotland, promoted by the Empress Matilda to the see of Durham, had many controversies with his clergy. At length some of their number mixed poison with the wine
of

* 'Histriones saltatores et saltatrices;' *Aldred de Bello Standardi*, p. 341. 342.

1153.

of the Eucharist, and administered it to the Bishop. He perceived the poison, yet drank it, and died *. A more extraordinary example of impiety on the one hand, and of misguided devotion on the other, is not to be found in the history of mankind.

In the reign of David I. a grievous famine prevailed in Scotland. *Ford. vi. 33.* Four thousand half-famished wretches repaired to the abbey of Melrose, reared their huts in its neighbourhood, and waited for the beneficence of the brethren. Waltheof, the superior, ordered them all to be fed, although the stores of the abbey were almost exhausted: This was done constantly for three months, without any visible diminution of the quantity of corn in the granaries †. I mean not to derogate from the *charity*; but, as to *the miracle*, any one who has ever seen a room with two doors, may discover its solution.

David I. granted to the abbey of Dunfermline the tenth of all the gold that should accrue to him out of Fife and Fotherif ‡. *Chart. Dunf. ii. 7.*

Walter,

* ‘Hic Willelmus Comyn Archiepiscopus Eboracensis ad missam suam in ecclesia sancti Petri a ministris altaris—veneno potionatus est, qui, licet venenum videret in calice, nihilominus illud fide fervens sumpsit, et non diu post supervixit. *Deo gratias;*’ *Fordun, L. v. c. 43.* This ejaculation is oddly placed: I suppose, however, that Fordun meant to express his thankfulness to heaven for the faith of the Bishop, not for his murder.

† This story is related by Fordun, from a work which one Jocelin, a monk of Forne, dedicated to William the Lion, towards the end of his reign, and, consequently, about 150 years after the death of Waltheof, or Waldeve; *Fordun, L. vi. c. 1.*

‡ ‘Omnem decimam de auro quod mihi eveniat de Fif, et de Fotherif;’ *Chart. Dunferm. vol. ii. fol. 7.* *Fotherif* is called *Forthrick*, in *Chart. Cambuskenneth*, fol. 2. Sir Robert Sibbald, *History of Fife*, c. 2. says, that Mr Robert Maule, the antiquary, derived *Fotherick* from *Veachric*, i. e. ‘the painted kingdom,’ or ‘the kingdom of the Picts.’ There seems no occasion here for having recourse to fanciful etymologies; *Forthrick*, the word in the chartulary of Cambuskenneth, is compounded of *Forth* and *rick*, i. e. the kingdom or territory at the Forth: I suppose that it means that country which lies on the northern bank of the Forth, from the neighbourhood of Stirling to where the river is lost in the salt water.

P p

1164.

*Spotif. Relig.
houses, viii. 1.*

Walter, the Stewart of Scotland *, founded an abbey at Paisley [in the shire of Renfrew] for the monks of Clugny, a remarkable monument of his opulence and liberality. He died in 1177.

Chr. Mel. 174.

1165.

Chr. Mel. 169. Two comets appeared before sun-rising in the month of August; the one in the south part of the hemisphere, the other in the north. 'A comet, says the author of the chronicle of Melros, is a star which 'is not constantly seen, but which appears chiefly before the death of 'a King, or the destruction of a people; and it is of two kinds; that 'which has a hairy diadem forebodes the death of a King; but that 'which seems to scatter rays from its tresses, forebodes the destruction 'of a people.' Such was the antient *theory of comets* with us. There is some reason to suspect that common meteors often pass in the history of ignorant times for comets.

1184.

Chr. Mel. 176. The boundaries of a royal forest were tried by a jury consisting of thirteen. Richard de Moreville, Constable of Scotland, was the foreman. The jurors made oath, not on the Evangelists, but on the relicks belonging to the monastery of Melros. In this question the monastery was a party; and her historian seems to ascribe the verdict in her favour to the terrific virtue of the relicks †.

1184.

*R. Hoved. 622.
Ben. Abb. 406.*

A fountain near Kilwinning, in the shire of Air, ran blood for eight days and eight nights without intermission: This portent had frequently appeared, but never for so long a space. In the opinion of the people of the country, it prognosticated the effusion of blood. Benedictus Abbas, and R. Hoveden, relate the story of this portent with perfect credulity. Benedictus Abbas improves a little upon

* It is under very great disadvantages that I contradict the received traditions respecting the origin of the house of Stewart: If, however, any of my readers have not already formed an unalterable hypothesis, they will not be displeased at the perusal of some observations on this subject in the Appendix.

† 'Super reliquias ecclesiae nostrae cum timore et tremore juraverunt, et veraciter affirmarunt;' *Chr. Melros*, p. 176.

1184.

upon his brother ; for he is positive ‘ that the fountain flowed with
‘ pure blood.’

1194.

Richard Coeur de Lion renewed the grant of a daily allowance to *Foed. i. 87.*
the Kings of Scotland, whenever they were invited to the English
court ; there was allowed a hundred shillings daily during their
journey in going and returning ; thirty shillings daily during their at-
tendance at the English court ; twelve loaves of wastel bread, a species
of biscuit ; twelve wheaten loaves ; twelve quarts of wine ; whereof
four of the King’s own wine, and eight of the wine used by his
household ; two stone of wax, or four tapers ; a hundred and twenty
candles ; whereof forty such as the King used, and eighty such as
were used by his household ; two pounds of pepper, and four pounds
of cinnamon. Hypocras was in those days the fashionable beverage :
This will, in some measure, account for the extravagant allowance of
cinnamon ; I suspect, however, that different sorts of spices went un-
der the general name of *cinnamon*.

1196.

There was so great a famine in Scotland, that many persons died of *Ford. viii. 59.*
hunger.

1198.

There was a great scarcity in Scotland. ‘ A *modius* of barley, says *Boece, xiii.*
‘ Boece, could hardly be purchased for five *aurei* ;’ pity that he did not *277. a.*
inform us what he understood by *modius* and *aureus* !

Great plenty ensued in Scotland : Such rapid transition from scar- *Boece, xiii.*
city to abundance, displays the wretched state of agriculture and poli- *277. a.*
ty in that age.

In this year the floods carried away the bridge across the Tweed at *R. Hoved. 796.*
Berwick. When the Earl of March, Governor of Berwick, was pre-
paring to rebuild it, Philip, Bishop of Durham, stopped the work ; he
said that the ground on the south side of the river belonged to him,

1198.

and that he would not permit the Scots to found the abutment of the bridge on his ground. William de Stutteville with much difficulty persuaded the Bishop to desist from his opposition. Had the parties lived in our age, each would have endeavoured to throw the expence of the work on the other.

1201.

Boece, xiii.
278. b.

Boece reports, that, from the 6th of January to the 1st of February 1201-2, daily shocks of earthquakes were felt in Scotland. This seems a very accurate story; yet it is hard to say on what occasions it is that Boece ought to be credited. He also mentions a frost so intense, that iced beer was sold by the pound: That beer may have frozen is likely enough; that it was sold by the pound is a fiction.

1202.

Ford, viii. 62.

In a provincial council, held at Perth, all who had received priest's orders, on a Sunday, were prohibited from officiating at the altar*.

Ford, vi. 41.

William de Malvoisin, Bishop of St Andrew's, from 1202 to 1233, deprived the abbey of Dunfermline of the presentation to two churches, because the monks of that abbey had neglected to supply him with wine enough for his collation after supper. The historian adds, that the monks had indeed prepared a sufficient quantity of wine, but that the attendants of the Bishop improvidently consumed it.

1206.

Ford, viii. 66.
Boece, xiii.
278. a.

In this year, it is said, that William wrought a miracle at York, in the presence of many persons of distinction. 'A boy was miraculously cured by the touch and blessing of William.' So says the continuator of Fordun, who wrote after an interval of two centuries. In the course of the next century, the miracle increased and prospered. Boece says, 'that the patient was the heir of a wealthy family
' in

* In quo concilio amoti sunt ab officio altaris qui die Dominicâ ordinem sacerdotalem susceperunt; *Fordun*, L. viii. c. 62.

1206.

‘ in Yorkshire; that he had a running fore at one eye; that one of his feet was contracted, the other impotent; and that he had not the power of utterance. This, as Boece represents it, was a case exceedingly complicated: Where there was such a contrariety of *effects*, the physicians could not investigate the *cause*, and therefore they pronounced the patient to be incurable; William, however, cured him by the simple application of the sign of the cross.’

Boece, who was a physician, meant to impose on his unlearned readers; he knew that he was describing the circumstances of a scrophulous case, and that the disease, however inveterate, was simple. *Why* the name of the disease should have been industriously suppressed, *why* the scene of the cure should have been laid in England, and *why* the King of Scots should have been sought out as a person possessed of this healing quality, are questions to be resolved by those alone who invented or improved the miracle.

In the last century, one David Chambers, on the credit of this miracle, fairly canonised William King of Scots*.

*D. Camerar.
de Scotorum
Pietate, 125.*

He saw, however, the improbability of a foreign prince *practising* in England; and therefore he added a *new* circumstance, ‘ that the fame of William’s sanctity brought the patient to him.’

1213.

One Andrew, of Moray, was elected Bishop of Ross; but he refused to accept the Episcopal dignity †.

Chr. Mel. 186.

A

* ‘ Sanctus Gulielmus Scotorum Rex, cujus sanctitatem eximiam mirum in modum *miraculis* a Deo confirmatam fuisse, testantur Coccius, Boetius, Leslaeus, Major, &c.; *D. Camerarius*, de Pietate Scotorum, p. 125. 4to. Paris, an. 1631. The first in this catalogue of witnesses is, as I take it, Jodocus Coccius, a Jesuit who died in 1622.

† ‘ Electus est magister Andreas de Murevia qui renuens episcopari, quaesita licentiâ a Domino Papa tantae dignitatis honorem humiliter resignavit;’ *Chr. Melros*, p. 186.

1216.

Chr. Mel. 192. A remarkable *aurora borealis* was seen in Galloway. In the chronicle of Melros there is a strange account of this phænomenon, drawn up by the Abbot of Glenluce; it is too long to be transcribed.

1231.

Chr. Mel. 201
Ford. ix. 48. Patrick Earl of March, a brave and aged baron, invited his children, relations, and neighbours, to celebrate Christmas at his castle. After a festivity of four days, he sent for the Abbot of Melros, received extreme unction, assumed the monastic habit, bade farewell to his guests, and expired. Never did superstition appear in a more pleasing form.

1236.

Ford. i. 370. Henry III. King of England, published a manifesto, denying that he had, by collusion, contributed to the imprisonment of Richard Siward, or that he had entered into any convention with him contrary to the duty which Siward owed to the King of Scots. This alludes to some transactions, esteemed of moment at that time, but now utterly unknown. Siward was a favourite of Henry; Richard Earl of Cornwall quarrelled with him. Henry, after a vain attempt to reconcile them, banished Siward from his presence. 'I had rather, said he, incur my own displeasure, by banishing my servant, than my brother's by retaining him *.' This single stroke delineates the benevolent and feeble-minded Henry.

1244.

Ford. ix. 61. About this time Haddington, Rokesburgh, Lanerk, Stirling, Perth, Forfar, Montrose, and Aberdeen, were consumed by accidental fire.

1249.

M. Par. 516. Hugh de Chastillon, Count of St. Paul and Blois, had a large ship of war built at Inverness.

1250.

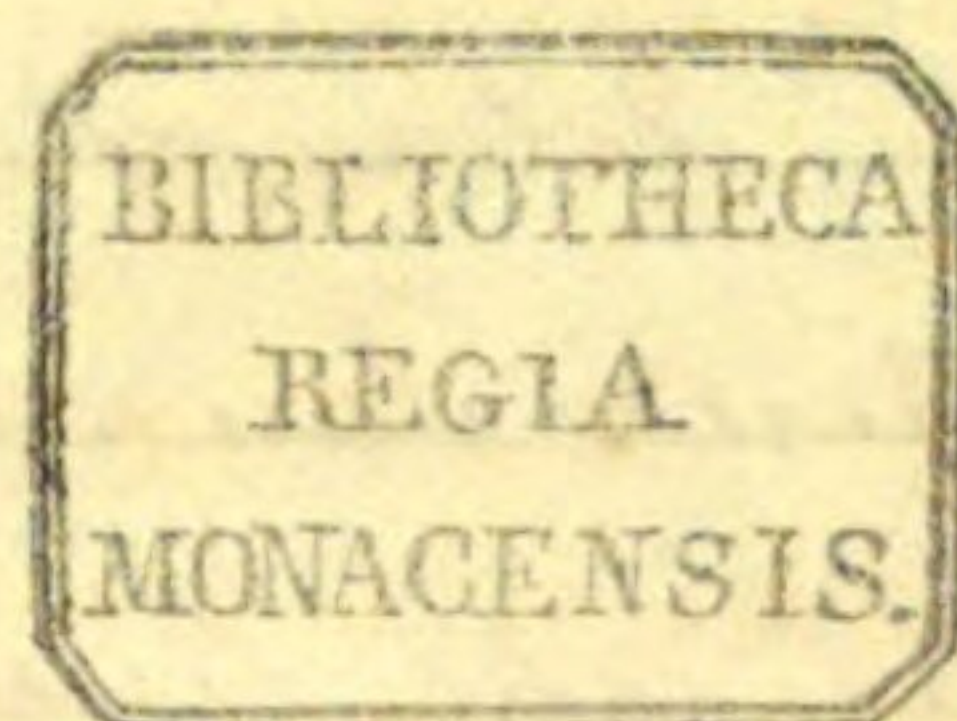
Ford. ix. 62.
x. 3. Peter de Ramsay, Bishop of Aberdeen, procured a bull from the Pope,

* 'Dicens se malle incurrere suam quam fratris indignationem;' *M. Paris*, p. 274.

g. in Foedera

Rot. Pat. 20 & Hen. III. m. 2. Dat. 24 Sept. 1236

Rey & illustris regi Scottorum salutem. Datum est nobis intelligi vobis fuisse suggestum de dilecto et fideli nostro Ricardo Suwarde quod ipse procurasse debuit captiorem suam quando ~~ea~~ eum capi fecimus et quod ipse post deliberacionem suam convencionem nobiscum fecisse debuerat contra fidem suam vobis debitam. Quia vero veritati testimonium est perhibendum serenitati vestre presentibus intimamus quod captiorem suam nunquam procuravit nec quod ipsum ob aliam causam capi vel detineri fecimus nisi pro securitate nobis facienda de pace regni nostre non perturbanda nec quod post captiorem suam vel ante vel aliquo tempore convencionem aliquam nobiscum fecit contra fidem suam nobis debitam. Et ne super hoc decetero ~~per~~ pisset a vobis dubitari has litteras nostras patentes vobis inde mittimus. Teste rege apud Shireburne. xxiiiij. die Septembris anno regni nostre. xx.



BIBLIOTHECA

REGIA

MONACENSIS.

1250.

Pope, whereby a stipend of fifteen merks of silver was allotted to each vicarage within the diocese of Aberdeen; but the abbots of Aberbrothock and Lindoris considered this augmentation to be exorbitant and oppressive; they therefore assembled a meeting of the abbots and priors by common consent, appealed to the Pope, and obtained a reversal of the ordinance *.

1251.

The body of Margaret Queen of Scotland was removed from its place of sepulture at Dunfermline, and deposited in a costly shrine †. While the monks were employed in this service, they approached the tomb of her husband Malcolm ‡. The body became, on a sudden, so heavy, that they were obliged to set it down. Still, as more hands were employed in raising it, the body became heavier: The spectators stood

Ford. x. 3.

Act. SS. 10.

June 320.

* ‘Per rescriptam Apostolicam inpetravit ut quaelibet vicaria in Episcopatu suo, ad quindecim mercas taxaretur argenti. Quod videntes abbates de Aberbrothock et Lindoris, se in hac taxatione indebitè gravari, fecerunt quasi omnes abbates, et majores priores Scotiae convocari; et ne caeteri Episcopi alios quoque religiosos hujusmodi taxationibus gravarent, unanimi consensu dicti abbates sedem Apostolicam appellaverunt, et sic ordinationem dicti Episcopi Aberdonensis cassaverunt;’ *Fordun*, L. ix. c. 62. I have given what seems to be the sense of this passage.

† The breviary of Aberdeen ascertains the 19th of June 1251, as the date of this event. It has preserved the collect used in commemoration of the ceremony. ‘Deus nobis qui translationem B. Margaritae Reginae piâ recolimus mente, praeclaris potentiae tuae miraculis illustratam, concede propitius ipsius meritis et intercessione, a labore ad requiem, ab exilio ad patriam nos conferri coelestem.’ See *Acta Sanctorum*, 10 June, p. 320. The petition is elegant and affecting; yet it is hard to say how it should be applicable to the removing of the bones of Margaret into a more honourable place in the church of Dunfermline.

‡ The Scots say, that the body of Malcolm was removed from Tinmouth to Dunfermline by Alexander I.; *Fordun*, L. v. c. 25. But the English deny this, and report that, when the Scots haughtily demanded the body of their King, that of a peasant was imposed upon them. ‘Scotis tamen postea corpus sui Regis frontosè postulantibus, concessum est et datum corpus cujusdam plebei de Sethtune; et ita delusa est Scotorum improbitas;’ *M. Paris*, additamenta, p. 129.

1251.

flood amazed; and the humble monks imputed this phænomenon to their own unworthiness, when a by-stander cried out, 'the Queen will not stir till equal honours are performed to her husband.' This having been done, the body of the Queen was removed with ease. A more awkward miracle occurs not in legendary history*.

1253.

Chart. Morav.
i. 22.

One mark was covenanted to be paid for the expence and risk of conveying twenty marks from Kingussly [in Badenoch] to Berwick. This affords a lively picture of those times.

1258.

Chart. Inchaf.
36.

At this time, slaves and their children were conveyed from one master to another, in the same manner that sheep and horses are now, and *that*, not together with lands, but even without lands†.

There

* I am informed, that at Paris, in our enlightened age, the bones of St. Genevieve shew the like *attention* to the bones of St. Marcel.

† Malise Earl of Strathern, granted to the monks of Inchaffry [*insula Missarum* in Strathern,] 'in pura et perpetua eleemosyna, Gilmory Gillendes *servum nostrum cum tota sequela sua* : Et nos et haeredes nostri dictum Gilmory Gillendes, ut supra dictum est, dictis ecclesiae et canonicis warrantizabimus in perpetuum. Ap. Kenmore, die Annunciationis beatae Mariae Virginis, anno Dominicae incarnationis 1258.' He also granted to the same monks, 'Pro salute animae meae et antecessorum et successorum meorum—in pura et perpetua eleemosyna, Johannem dictum Starnes, filium Thome filium Thore, cum tota sequela sua. Concedo, et pro me et haeredibus meis, in perpetuum ipsis abbati et conventui omne jus et clameum quod ego in eodem Johanne vel *prole ab ipso suscitata* habeo vel habere potero, aut haeredes mei in posterum habere poterunt. Prohibeo etiam omnibus hominibus meis, ne aliquis eorum dicto Johanni vel alicui proli suae molestiam aut gravamen aut aliquod impedimentum inferre praesumat. 7. Id. Maii, an. 1258.' I was permitted to peruse this Chartulary by a person who chose to conceal himself. As the Chartulary of Inchaffry has remained so long unknown, it is possible that other chartularies, which have hitherto escaped observation, may still exist. If the possessors of any such would be pleased to communicate them to me *in confidence*, I should hold it as a singular favour.

1259.

There was a great dearth in Scotland, so that a boll of meal sold at *Ford. x. 11.* four shillings.

1266.

On the eve of the feast of the 11,000 virgins, a great wind arose *Ford. x. 22.* from the north, the sea broke in and overwhelmed many houses and villages between the Tay and the Tweed. 'There was never such a deluge since the times of Noah,' says Fordun, 'as appears from its traces at this day *.' Unhappily the circumstances of this inundation are omitted, while fabulous genealogies and cloister-promotions are credulously and scrupulously recorded.

1267.

Hugh Gifford de Yester died. In his castle there was a capacious cavern formed by magical art, and called in the country *Boball*, i.e. *Hobgoblin-ball*. In our ancient history there is little mention made of magic, and there are scarcely any vestiges of witchcraft. *Ford. x. 21*

1269.

In a provincial council held at Perth, the Abbot of Melros and most of his conventual brethren were solemnly excommunicated. The crimes laid to their charge were, that they had violated the peace of the territory of Wedale †, had assaulted some houses belonging to the Bishop of St Andrew's, had murdered one ecclesiastic, and wounded many others. *Ford. x. 25.*

The

* 'Sicut adhuc vestigia manifestant;' *Fordun, L. x. c. 22.*

† *Wedale*, i. e. *vallis doloris*; it is now called *Stow*. See *Milne*, Description of the parish of Melrose, p. 24. last edition. I do not applaud Mr Milne's work as very intelligent or very correct: Yet I wish that every minister in Scotland would do as much for the history of his own parish. The labour in composition deserves not to be mentioned, and the expence of printing would be defrayed by the sale of a very few copies. Every minister would thus, *without expence*, contribute to the foundations of a work resembling that which Camden, improperly, calls *Britannia*.

1269.

Chr. Mel. 241. The chronicle of Melros dutifully suppresses all mention of this singular event, and only says, that, in 1269, John de Edirham departed from his office of abbot.

Ford. x. 26. A frost began on the 30th of November, and lasted until the 2d of February following. It was so intense that none could *plow* during that space *. This gives a favourable idea of the state of agriculture at that time. Within the memory of man, there were many places in the low country of Scotland where a frost, from the 30th of November to the 2d of February, would not have been considered as interrupting the ploughing season.

1272.

Ford. x. 30. Many churches, and particularly the church of Aberbrothock, were fired by lightning in winter.

1275.

Foed. ii. 45. Alexander III. had a daily allowance of a hundred shillings, to bear his charges in England, whenever he was summoned thither by the English King †.

Chart. Dunf. ii. 4. In this year there is a grant of 'eight oars in the new boat at the 'Ferry [Queensferry];' the boat is divided into eight shares; eight pennies of rent was to be paid for each share ‡.

1281.

Foed. i. 178. Edward I. lent L. 40 to Robert Bruce, Earl of Carrick, the father of

* 'Ita quod nemo poterat arare aut terram fodere;' *Fordun*, L. x. c. 26.; but perhaps the sense is, 'that no man could have ploughed or dug the ground.'

† 'Ad *mandatum* nostrum;' *Foedera*, T. ii. p. 45. I have translated *mandatum*, as if it meant *summons*, that I might not seem to be partial; nevertheless, every one acquainted with the language of those times must know, that *mandatum* was used for *invitation*. Thus Benedictus Abbas says, p. 432. 'tenuit Rex Henricus curiam suam apud Windeshores cum solenni festo—cui per *mandatum* ipsius interfuerunt—Henricus 'Dux Saxoniae,' &c.

‡ 'Carta de octo remis in novo batello Passagii;' *Chart. Dunf.* v. ii. fol. 4

1281.

of Robert Bruce ; they had been companions in arms during the wars of Palestine *.

1282.

In this year, according to Boece, the plague appeared in Scotland for the first time. When the symptoms of a disease are not described, we cannot be sure of its nature: Any epidemical disease, which the physicians understood not, had the general name of *plague*. M. Paris mentions a *plague* which consumed great part of the Christian army at the siege of Damietta in 1219; as he has carefully described the symptoms, there remains no doubt that it was the scurvy †.

Boece, xiii.
292. a.

M. Par. 210.

1285.

At a ball, given on the occasion of the nuptials of Alexander III. at Jedwod, [Jedburgh] a ghost, or something like a ghost, danced ‡. Boece expressly says, that it was a skeleton ||. A foolish pleasantry to frighten the court ladies, or a pious monastic fraud, to check the growth of promiscuous dancing, probably gave rise to the exhibition of this harlequin skeleton.

Ford. x.
Boece, xi
292. a.

The following examples will give a notion, tolerably correct, of the salaries of parish priests during the reign of Alexander III.

Ten marks of silver, six acres of arable ground, and one acre of meadow, were provided to the vicar of Worgs in Galloway. This grant

Chart. Dry-
burgh, 23.

* Edward styles him, ' dilectus Bachelarius noster ;' *Foedera*, T. ii. p. 178.

† ' Invasit eâ tempestate multos de exercitu *pestis* quaedam, contra quam medici nullum ex arte sua poterunt invenire remedium ; dolor enim occupavit repente pedes et crura, in quibus apparuit caro corrupta, et nigra ; gingivas et dentes nigredo obdurata potentiam abstulit masticandi ; sicque longo doloris tractu afflicti multi ad Dominum migraverunt ; quidam vero usque ad tempus vernale laborantes caloris beneficio mortis periculum evaserunt ;' *M. Paris*, p. 210.

‡ ' Insecutus est unus, de quo pene dubitari potuit utrum homo esset an phantasma ; qui ut umbra magis labi videbatur, quam pedetentim transire ;' *Fordun*, L. x. c. 40.

|| ' Effigies hominis mortui, carne nudatis ejus ossibus, visa est ;' *Boece*, L. xiii. fol. 292. a.

1285.

grant was confirmed by Gilbert Bishop of Galloway, who died in 1253.

*Chart. Dry-
burgh, 14.*

1268. A pension of *ten marks* Sterling was granted to the vicar of Kilrethny [Kilrenny in Fife]; of *ten marks* to the vicar of Saltoun [in East Lothian]; of *ten pounds* to the vicar of Childer-kirk [the church dedicated to the Innocents, now called Gingle-kirk, in the Merse]; but he was to do duty also at the chappel of Lauder, in the neighbourhood of Childer-kirk; *twelve marks* were provided to the vicar of Golyn [Gulan in East Lothian].

*Chart. Aber-
broth. i. 14.*

1285. The chaplain of Fiven had a grant from the monastery of Aberbrothock of a *hundred shillings*.

*Can. ch. of
Scot. c. 10.*

Hence we may presume to fix the actual medium at *ten marks*. The canons of the church of Scotland, an. 1242 and 1269, fix the *minimum* at *ten marks*.

Ford. x. 43.

Thomas Learmonth, otherwise called the *Rhymer*, a native of Ercheldoune in the Merse, is reported to have lived during the reign of Alexander III. He was famous for his predictions of future events. On the day of Alexander's death, the Earl of March asked him, whether any thing extraordinary would happen next day? 'To-morrow, answered Thomas, will be heard the most vehement wind that ever was known in Scotland.' When the news of the King's death arrived, 'that, said Thomas, was the wind of which I spake.' Fordun relates this story as a proof of his prophetic spirit *.

Pope

* There is still a better story related of Apollonius Tyanaeus by *Philostratus*, Lib. iv. c. 43. An eclipse happened at Rome in the days of the Emperor Nero, at the same time there was a violent thunder-storm. Apollonius, lifting up his eyes to heaven, said, 'ἔσται τι μέγα καὶ οὐκ ἔσται;' i. e. 'something great or extraordinary will come to pass, and will not.' No one could understand the sense of this ænigma; however, it was soon explained; for a goblet in the hands of Nero was struck with lightning, and yet he himself escaped unhurt. *This*, according to the admirers of Apollonius, was the remarkable thing which was to happen, and not to happen.

1289.

Pope Nicolas IV. issued a bull, in which he says, that a detestable practice prevailed in Scotland, of excluding aliens from all offices of trust in religious houses; that, in consequence of this practice, the unworthy were frequently preferred to the most deserving. The Pope abolished this practice, because *there is no respect of persons with God.* *Feed. ii. 417. 1707.*

1291.

Pope Nicolas IV. issued a bull, exhorting the Scottish Bishops to preach a *crusade*; it is called *verbum crucis*, i. e. 'the word or doctrine of the cross.' So strangely was the import of the Christian dispensation perverted in those times! for every sermon so preached the Pope granted to them *an indulgence of a hundred days*, besides a proportional share of the indulgences conferred on the crusaders themselves. 'The labourer, said he, is worthy of his hire.' I am not so learned in the matter of indulgencies as to know whether the Pope meant to pardon all the sins which the Bishops might commit during a hundred days, or only to deduct that term from their indefinite residence in purgatory. *Feed. ii. 513.*

From this bull we learn, that pilgrimages to the sepulchre of our Lord were prohibited by Papal authority, under pain of excommunication. The reason of the prohibition appears to be, that, if devout persons were permitted to satisfy the desires of misguided piety, by visiting the holy sepulchre in the guise of pilgrims, it would abate their zeal for obtaining the like privilege by force of arms, and the effusion of blood. [18th March 1291.]

At the same time, the Pope issued another bull of less pleasing contents. By it he required the whole ecclesiastics of Scotland to pay the tenth of their revenues annually, during six years, to Edward King of England, in aid of his promised expedition to the Holy Land. *Feed. ii. 518.*

The

*1st 19th y^r of
his reign*

1295.

Rent-roll sub-
joined to
Chart. Kelso.

The Abbot of Kelso levied, from every house in the village of Bolden, a hen, valued at one halfpenny *.

1298.

W. Heming.
i. 160.

At the siege of the castle of Dirleton, in East Lothian, about the beginning of July 1298, the English soldiers were reduced to great scarcity of provisions; they subsisted on the pease and beans which they picked up in the fields. This circumstance presents us with a favourable view of the state of agriculture in East Lothian, as far back as the 13th century.

1303.

Ford. xii. c. 3.

Edward I. wintered in Scotland. His son, Edward of Carnarvon, had his head-quarters at Perth. During all that winter, there was so great plenty in the English quarters, that good wine was sold at the rate of four-pence for a *lagena* of Scottish measure. Fordun, who records this, does not explain what he means by *lagena*. J. Major says, that Gascony wine so abounded, as to be sold at almost no price, i. e. at three-pence the pint of Scottish measure †. How a Scots pint of French wine, sold in 1303 at three-pence, should be considered as exceedingly cheap, is beyond my comprehension.

1304.

Ford. xii. 4.

See p. 297 ante

Dan. Milice
Francoise, i.
62.

Edward I. stript the whole lead off the monastery of St Andrew's, for constructing the machines employed in the siege of Stirling ‡. It was a very antient practice to throw leaden bullets from *catapultae*; here, however, I imagine, that the lead was used as a counterpoise.

Boece,

* This rent-roll mentions Abbot Richard, and consequently cannot be more antient than 1295 when Richard became Abbot. It mentions not the church of Nanthorn, [Nenthorn], acquired by the Abbacy in 1316, and consequently cannot be more recent than 1316.

† 'Vini Vasconici tanta erat copia, quod ferme gratis venundabitur; *pinta* enim tribus duntaxat denariis vaenit;' J. Major, L. iv. c. 15.

‡ 'Ad machinas construendas;' Fordun, L. xii. c. 4.

1304.

Boece, ever improving on history, says, that the roof of the monastery was of *copper*. He adds, 'that Edward carried it away for 'some purpose or other *.'

Boece, xiv.
297. b.

To this period must be referred the taking of the castle of Urquhart, where Edward murdered every person in it, except the wife of Alexander Bois, the Lord of the castle: She was pregnant at the time; and the English had a religious scruple at killing a child before its birth. The child, so wonderfully preserved, in due time proved a boy. Having slain a mighty bear that infested the country, he received the appellation of *For-beast*; afterwards this came to be pronounced corruptedly *Forbes*. Boece, and many a transcriber from him, relate this story with the utmost gravity of historical narrative †.

Boece, xiv.
298. a.

In this year the monks of Aberbrothock entered into a contract with the Bishop of Brechin, importing, that the Bishop should not augment the pension of any vicar beyond ten pounds sterling.

Ch. Aberbrothock
i. 21.

1305.

An English hermit saw a vision of angels conducting Wallace out of purgatory with much honour. 'But this, says Boece, is regarded by 'most men rather as a dream, or an old woman's tale, than as a 'real event ‡.' Here he inadvertently delineates the character of his own history.

Ford. xii. 8.
Boece, xiv.
299. a.

APPEN-

* 'In suos, nescio quos, usus;' Boece, L. xiv. fol. 297. b.

† Martin, *Geneological Collections*, vol. ii. p. 17. says, that one Salvathius Forbes married Moravilla, daughter of Gregory the Great, King of Scotland, about 870, and that all the Forbes's in Scotland are descended from him. But Nisbet, vol. i. p. 317. says, that Achonacher, an Irishman of quality, slew a monstrous *wild-boar*, and from that event took the name of *For-bear*, and that he was the ancestor of the Forbes's. There is a confusion here of *boars* and *bears*, which I will not pretend to unravel. Sir Thomas Urquhart, in one of his rhapsodies, says, that Phorbas, a Greek, was the ancestor of the family; and that, as frequently happens, the appellative became a surname.

‡ 'Somnii aut anilis fabulae similia quam verae historiae plerisque censentur;' Boece, L. xiv. fol. 299. a.

A P P E N D I X.

No. I.

Of the L A W of E V E N U S,

And the M E R C H E T A M U L I E R U M.

[Some of the notes which I had prepared to the Annals of Scotland were so long, that it became impracticable to range them with the rest in their proper places. I have therefore subjoined them here, in the form of dissertations.]

Vid. ANNALS, pag. 33.

Boece.iii.35.a.

BOECE thus speaks of an Evenus King of Scotland, ‘Fecit ad
‘haec plura relatu indigna, leges tulit improbas omnem olentes
‘spurcitiam: Ut liceret singulis suae gentis plures uxores, aliis sex, aliis
‘decem, pro opibus, ducere; nobilibus plebeiorum uxores communes ef-
‘fent, ac virginis novae nuptae, loci dominus primam libandi pudici-
‘tiam potestatem haberet. Haec lex, tametsi reliquae duae regum autho-
‘ritate haud multo post penitus sublatae fuerunt, nullo labore longa
‘post secula potuit abrogari, adeo ea pestis magnatum adolescentum
‘animos infecerat; eam tandem Malcolmus Canmor Rex, divâ Mar-
‘garetâ Reginâ suadente, ut opportuniori referetur loco, veluti in De-
‘um et homines injuriam, prorsus submovit, fanciens nummum au-
‘reum, (*Marchetam* nostra vocat aetas), in nuptiis sponsae pudoris
‘redimendi causâ, loci domino pendendum: Idque populares nostri
‘vel hoc aevo observant.’

It

It seems, that this wicked King Evenus had for his successor a virtuous person, one Metellanus, who reigned in Scotland at the commencement of the Christian aera.

Of him Boece thus speaks, 'Spurcas Eveni leges, quarum, loco
'haud multum ab hoc diverso, est facta mentio, abrogare plurimum est
'annixus. Sed magnatum, qui veneris et omnium voluptatum remis-
'fas habere gaudent habenas, importunitate victus, ne forte tumultum
'sentiret, proposito destitit.' Boece, iii. 35.
b.

It would appear that the successors of Metellanus were obliged to connive at this brutal law of Evenus, during a period of no less than a thousand years.

At length Malcolm III. abolished it. Of this great event, Boece Boece, xii. 260.
a. thus speaks. 'Illud vero inter caetera haud indignum memoriâ existi-
'mem, abrogatam pessimam eam ac pestilentem consuetudinem, olim
'ab Eveno tyranno inductam, ut Domini praefecti in suo territorio
'sponsarum omnium virginitatem praelibarent, dimidiatâ argenti mar-
'câ unam [l. primam] noctem a praefectorum uxoribus redimente
'sponsâ, quam etiamnum pendere coguntur, vocantque vulgò *mulie-*
'*rum marketam*. Nec dissimile est quod haud longè a Lovanio in pago
'fit quodam, ubi suae sponsae stuprum sponsus a loci praefecto redimit,
'quâ servitute nulla unquam major fando est audita.'

One would be apt to imagine that the learned had conspired to write absurdly on this subject.

What Skene has said of *marcheta mulierum* is too ridiculous to be transcribed. d.V.S.v. *Mar-*
cheta, et *Reg-*
maj. iv. 31. *in-*
not.

Craig implicitly follows the sentiments of Skene; but adds, that D. *Feudis*, ii.
d. 3. § 31. the practice was not peculiar to Scotland, that it prevailed in France, and that we got it from France, together with the feudal law. 'Quod
'ad marchetas mulierum, puto hoc falso nostrorum hominum moribus tan-
'tum ascribi, quasi apud nos solum Domini pudicitiam virginum soliti es-
'sent delibare, quae in eorum territorio locarentur; satis enim constat, et
'eundem morem in Gallia fuisse, et ab iis ad nos cum feudis transisse.'

All materials go to the erecting of a system. 'Craig, who derived our feudal institutions from France, saw that Skene quoted Cujacius [L. i. *de Feudis* c. 25.] as mentioning a practice in France analogous to the law of Evenus, and he admitted the *practice* for the sake of the *inference*. It happens unfortunately that Cujacius speaks not of any such practice.

Gloss. v. Marchet.

Spelman, *Gloss. v. Marchet*. describes it to be 'turpis Scotorum veterum consuetudo, quâ territorii dominus vassalli sponsam primâ nocte comprimeret, floremque carperet pudicitiae.' He adds, that St Jerom [Epist. ad Oceanum] censures the impurity of the antient Scots in these words: 'Scotorum et Azotorum ritu, ac de republica Platonis promiscuas uxores, communes liberos habent;' and, as a farther evidence of this custom, he conjectures that Laonicus Chalcocondylas took occasion from it to bring a general charge against the whole inhabitants of Britain. It might be improper to quote the passage at full length: The learned reader is requested to peruse it at the place referred to in the margin.

D. Rebus Turcicis, 49.

D. Bello Gallico, v. 14.

Spelman did not recollect that, what St Jerom says, in his loose declamatory style, of the Scots, Cæsar had said of the Britons in general, and that his other witness, Chalcocondylas, wrote about the beginning of the *sixteenth* century.

I have sometimes thought that the hearty old English fashion of saluting the mistress of the house, ambiguously reported to Chalcocondylas, has been the occasion of his ridiculous account of British manners in the fifteenth century.

Be this as it will, it is certain, that Spelman did not perceive, what was sufficiently obvious, that St Jerom and Chalcocondylas speak not of customs which have even the most remote affinity to the supposed law of Evenus.

Gloss. v. Lair-wife.

Spelman knew how to interpret the phrase 'per totam Cantium Archiepiscopus habet mulierem.' If, therefore, he had not suffered his judgment to be warped by the opinions of former writers, he might

might have attained to the truth in his inquiries concerning *mercheta*; but, submitting himself to the authority of popular legends, he speaks without hesitation of a *territorii dominus*, and of a *vasallus*, in Scotland, during the reign of King Evenus, who is reported to have been contemporary with Augustus Cæsar.

Du Cange seems so thoroughly convinced by the testimony of Boece, and the comments of Skene, that, in order to confirm their story, he has misinterpreted a record, as I shall have occasion hereafter to shew. *Gloss. v. Mercheta.*

Another French author, Laurier, hints at the same practice having prevailed in France, and, on the authority of Skene, derives it from the law of Evenus. It will be remarked hereafter, that Laurier has totally misunderstood the nature of that custom to which he alludes. *Gloss. Franc. v. Cullage.*

But all this is nothing, when compared with the testimony of Dr Plot: He says, ‘I have *seen* a particular record of one Maynard of Berkshire, who held his lands by this tenure of the Abbot of Abbingdon, in these words: *Willielmus Maynard, qui tenuit terras in Heurst, cognoscit se esse villanum Abbatis de Abbendon, et tenere de eo in villenagio, et per villanas consuetudines, viz. per servitium 18 d. per annum, et dandi maritagium et marchetam, pro filia et sorore sua, ad voluntatem ipsius Abbatis, &c.* Placita de Banco Regis a die, Pasch. 34. Hen. III. Rot. 20. Berks. [This record is printed in Spelman]. Nor did it only prevail in England and Scotland, but, as *I have heard*, in the Isle of Guernsey [This also is from Spelman], and in the kingdom of Ireland too, where, I am told, by Colonel Vernon, it is called *Lokempy*.’ *Hist. of Staffordshire, 78.*

The record quoted by Plot might have convinced him that the vulgar account of *marchetum* was inadmissible.

Nevertheless, he pursues the tract of venerable system, and even attempts to confirm the absurdities of former writers, by deducing the origin of *Borow-English* from this supposed privilege of the Lord. ‘The eldest son, says he, *being presumed* to be the Lord’s, they usually settled their lands, and not without reason, upon the youngest

‘son, whom they thought their own, which, being practised a long while, grew at length into a custom.’

When writers of reputation err, there is a literary decency, which requires that they should be quoted and confuted, although their arguments may be too weak to require a confutation, and so illogical as scarcely to be capable of it.

Plot says, ‘that men *usually* settled their estates on the *youngest* son, the *eldest* being *presumed* to be the Lord’s.’

Here there is a *presumption* founded on experience, and a *general practice* arising from that *presumption*. We must therefore suppose, that there was a general coincidence of the following circumstances: 1. That a woman bore her first child within eight or nine months after marriage. 2. That this first child was a male. 3. That this male child was existing when the father made a settlement of his estates. 4. That a father had generally two sons, and no more. All those events must have frequently concurred, in order to the establishing what, Plot says, ‘grew at length into a custom,’ or became a presumption, directing a particular order of succession.

According to the laws of calculation, such a coincidence of events *must*, and in fact *does*, rarely occur.

But the most curious circumstance of all is, that Plot, seeing the word *merchetum* in the record, sagaciously concluded, that a law similar to that of King Evenus prevailed in England so late as 34. Hen. III. and that the Abbot of Abbington did, or might, take advantage of that law. All this is supposed, in order to prove that a law, on the principles of that of King Evenus, was introduced into England, no one knows how or when.

*Antiquit. Se-
lect. Septen.
484. 489.*

Keyser, a German of much reading, has treated of the *mercheta*, and has contributed large additions to the absurdities of the writers who went before him. He says, ‘Anglis dicuntur *maiden-rents*, h. e. *reditus e virginitatibus provenientes*. In terris Mecklenburgicis pretium unius uncialis sive thaleri passim statutum est, qui thalerus vocatur *der Klauen Thaler*, credo, quod, eo persoluto, virgo unguibus
‘*Dynastae*

‘*Dynastae* eripitur. Nonnulli tempora solvendi stipendii translata
 ‘ sunt. Novimus oppidum in tractu Albino cujus incolae mulieres nup-
 ‘ tae *quotannis* die Martini ante solis occasum quatuor nummos minutos
 ‘ argenteos cum dimidio [$4\frac{1}{2}$ Pfennig] quaestori tenentur offerre; tabu-
 ‘ lae publicae eos redditus consignant sub rubro *des frauen geldes*, vulgus
 ‘ vocat *den—zins*.’ Here a capitation-tax annually paid by married
 women is supposed to have the same origin as our fabled *mercheta*.
 Keyser adds, with some humour, ‘ Si vetera ex praesentibus dimetiri
 ‘ fas est, lubentissimè domini antiquissimi hujus regionis pristino jure
 ‘ carere potuerunt, cum id habeat peculiare, ut non nisi deformes om-
 ‘ nisque pulchritudinis expertes nunc quidem gignat.’

To the law of *mercheta* Keyser ascribes certain fines imposed on
 coelibacy by the laws of some territories in Germany. For, says he,
 with the utmost gravity, batchelors deprived their Lord either of
 pleasure or of profit, and were therefore punished. ‘ Coelibes maximè
 ‘ injurii erant in Dominos; antiquissimos enim parte voluptatum, re-
 ‘ centiores redditibus frustrabant;’ p. 488. Sundry observations, e-
 qually profound, may be seen in Keyser. Any thing may be pro-
 ved from any thing, if such fantastical arguments are admitted.

The first author who ventured to speak with judgment of *mercheta*
mulierum was Wachter. He thus expresses himself: ‘ Skenaeus leges
 ‘ *marchetae* primus protulit, in quibus etiam comitum filiae taxantur.
 ‘ *Item marcheta filiae comitis est Reginae 12. vaccae.* Quis credat co-
 ‘ mites voluisse ante hanc legem latam filias suas regibus permolandas
 ‘ praebere? Aut episcopos tam impudentes fuisse, ut *quod de Ambia-*
 ‘ *censi episcopo scribitur*, voluerint a subditis tributum exigere, quod pri-
 ‘ mae noctis stipendium esset? Quanto rectius haec consuetudo ex do-
 ‘ minio eminente, tanquam omnium praestandorum fonte, derivatur?
 ‘ Matrimonia omnibus temporibus fuerunt circumscripta et moribus
 ‘ quibusdam gravata, quid mirum, si aliquando nubere non licuit ab-
 ‘ que vacca vel alio munusculo? Quicquid hujus est, argumentum
 ‘ subjectionis est, non pretium virginitatis.’

Gloss. Germ.
v. Reit-schofs.
 1279.

The

The story of the Bishop of Amiens, to which Wachter alludes, will be mentioned in the sequel.

Gloss. v.
Merch.

Wachter, in another passage of his Glossary, says, '*Merch*, virgo, puella, Graec. *μεγαλη*. Camb. *March*, Prussis et Lithuanis *merg*. [Box-horn in *Lex. Antiq.*] Britan. *Merch* filia, nata—an sensum ab equa, '*merch* Germanicé ad virginem translatum dicemus [cum Skenaeo]? At qualis est ista virgo quae equitandam se praebet? Mittamus igitur equam, et vocem Celticam ducamus a Scythico *maer*, virgo; per gutturalem annexam, quâ magnopere delectabantur Celtæ in vocibus Scythicis, ut paulo ante patuit ex *March*, equa, quod eodem artificio factum e simpliciore et minimè aspirato *mar*—*maer* pro virgine extat in *Indice Veretii Scytho-Scandico*, a *march* barbara Latinitas fecit *marcheta*, tributum virginale, quod puella vel pater puellae domino solvit, non pro redimendo stupro, sed pro venia et licentia nubendi, ut dixi prolixè in *Reit-schofs*.'

It would seem that Wachter meant to have added, that *sceat*, A. Sax. *Skat*, and the like, in other northern dialects, implied *tributum*; and therefore that *marchskat*, softened with a Latin termination into *marcheta*, was *tributum a puella solutum*.

The substance of the etymological part of this article in Wachter's Glossary is, that, in the northern dialects, *maer*, *merg*, *merch*, *march*, signified a *daughter*, or a *young woman*.

Wh. Kennet,
Parochial Antiquities, v.
maritagium.

To this I add, that, in several places of England, as a learned clergyman observes, the diminutive *merkin* is used for *pubes mulieris*; and that, within our own memory, in Scotland, the word *merekin* was used for a girl, in the same sense as the Greek *μεγαλη* *.

Wachter

* An eminent English antiquary says, that *Mercheta* is apparently nothing more than the *merch-ed* of Howel Dha; 'the daughter-hood, or the fine for the marriage of a daughter;' Whitaker, History of Manchester, 8vo, vol. i. p. 359. I suppose that by *daughter-hood* the learned author meant 'the state of a daughter;' as *man*, *manhood*, *brother*, *brother-hood*, &c. I cannot imagine that, in the Welsh language, *ed* implies a *fine for a marriage*.

In a copy of Skene, *de verborum significatione*, belonging to John Swinton of Swin-

Wachter appears to have been more fortunate in discovering what *mercheta* was not, than in ascertaining with precision what it was.

Merchet, *merchetum*, or *mercheta*, had two several significations.

I. It implied 'a fine paid to the Lord by a sokman or villain, when his unmarried daughter chanced to be debauched.'

That such a fine was paid to the Lord by the antient usages of England, and that it was denominated *merchetum*, we are informed by Spelman himself, who makes mention of it, though in a transient *Gloss. p. 398.* manner. '*Merchetum, hoc est quod sokemanni et nativi debent solve- vere, pro filiabus suis corruptis seu defloratis, 5. s. 4. d.*' *Regist. Abb. de Burgo S. Petri in Bib. Cotton.*

This is the record which Du Cange has grossly misinterpreted, by his paraphrase, in these words: 'Id est, ni fallor, *ne corrumpantur aut deflorentur a suis dominis in prima nuptiarum suarum nocte.*' *Gloss. v. Marcheta.*

P. Blefensis has preserved an incontestible evidence of the nature of this fine. He says, that, in the time of Joffridus, who became Abbot of Croyland in 1109, each *villain* of the township of Wridthorp paid to the Abbey, '*ourlop* pro filiabus correptis;' [a manifest error for *corruptis*.] We all know that *ourlop* is, in old English, precisely what *transgression* is in modern English; from A. Sax. '*ofer-leopan, ofyr-leopan, transire.*' In Scotland, an occasional trespass of cattle on a neighbouring pasture is still termed *ourlop*. P. Blefensis uses *ourlop* for the *mulct*, the consequence of the *transgression*. Of this species of metonymy there are frequent examples. *Continuatio Ingulphi, 115.*

Instances of the same sort of fine are to be found in Blount's Ancient Tenures. Thus: 'In Fiskerton and Moreton [Com. Not.] every she- *Blount, an-
tient tenures,
153.*
'native that married or committed fornication, paid, *pro redemptione sanguinis, 5 s. 4 d.*' This also I take to be the meaning of what Blount *Ibid. 155.*
quotes

ton, Esq; there is written, by an unknown hand, '*mercheta* is Celtic; *mhere* ludus; '*chead*, primus; *ergh*, nox.' This word at full length would be *mherecheadergh*. It might be abridged, for *ergh* seems superfluous.

quotes from *Liber Niger Heref.* 158. 'W.M. tenet novem acras terrae
' custumariae in Bosbury---et debet quasdam consuetudines, viz. *San-*
' *guinem suum emere.*' Although Blount says that 'by *sanguinem suum*
' *emere*, was meant that the tenant, being a bondman, should buy out
' his villainous blood and make himself a free man *.'

If then such a custom was established in England, and if the fine or mulct in such cases was termed *merchetum*, we may conclude that the same word, when used with us, had a similar signification.

From what has been said, we may perceive that *mercheta mulierum* was a covenant between *the Lord* and *the villain*, concerning the redemption of an offence committed by the unmarried daughter of the *villain*. How different this from the usage which Boece reports to have been introduced by Evenus, and abolished by Malcolm III. ?

II. But *merchetum* or *mercheta* was not limited to this sense : It was also used for expressing another *villain* custom :

When a *sokeman* or a *villain* obtained his Lord's permission to give away his daughter in marriage, he paid a composition or acknowledgement ; and, when he gave her away without obtaining such permission, he paid a fine. This composition, acknowledgement, or fine was termed *merchetum* or *mercheta* ; and it is of it that Wachter speaks. It was sometimes termed *maritagium* ; but we must distinguish *maritagium*, as used in that sense, from the same word in its more general import.

There are two records in Spelman where *merchetum* is used for the custom which I describe.

1. *Extenta manerii de Wivenho.* 18. Dec. 40. Edw. III. ' Ric. Burre
' tenet unum mesuagium, et debet tallagium, sectam curiae et *merchet*,
' hoc modo ; quod si maritare voluerit filiam suam cum quodam libero
' homine extra villam, faciet pacem domini pro maritagio, et si eam ma-
' ritaverit alicui costumario villae, nihil dabit pro maritagio.'

2. *Placitae*

* Any curious person, who inclines to publish an edition of Blount's antient tenures, may command the use of my notes.

2. *Placita coram concilio Domini Regis.* Term. Mich. 37. Hen. III. Rot. 4. Suffolk. ‘*Johanna Deakony attachiata fuit ad respondendum hominibus de Berkholt, quare exigit ab eis alia servitia, &c. Unde dicit quod tempore Regis H. [Henry II.] avi Regis solebant habere talem consuetudinem, quod quando maritare volebant filias suas, solebant dare pro filiabus suis maritandis duas oras, quae valent 32 denarios, &c. postea veniunt homines et concedunt, quod—debent dare merchetum pro filiabus suis maritandis, scilicet, 32 denarios.*’

To the same custom the following passages, in the Chartulary of Kelso, seem applicable: ‘*Merchetas de filiabus hominum suorum habebit, et de filiabus suis dabit nobis merchetas.*’ And again, ‘*Dabit etiam, tam ipse quam haeredes sui, duos solidos pro Herieth, et merchet de filiabus suis non dabunt.*’

Chart. Kelso
fol. 38. 41.

In England this was a *villain* custom. Hence Bracton, ‘*qui tenet in villenagio, talliari potest ad voluntatem Domini—item dare merchetum ad filiam maritandam;*’ and ‘*merchetum vero pro filia dare non competit libero homini, inter alia, propter liberi sanguinis privilegium.*’

Bracton. iv.
T. i. c. 28. §
5. ii. T. i. c. 8.
§ 2.

Papebroch has published a grant in the 10th century, by a Count Eilbert, in the Ardennes, which will contribute to throw light on this subject. ‘*Constituit praeterea, quatenus ex his duabus partibus et potestatibus, quasi gens una et populus unus, sibi invicem familiae haerent, et sine exactione contraria et Bathinodii questu, Florinensis homo ex Walciodorensi potestate mulierem sumens, legitime sicut sibi parem ducat; sicut versa vice similiter Walciodorensis de Florinensi potestate mulierem sumendo, faciet.*’ Papebroch says, that *Bathinodium* is *Bednodum*, or *Bed-nood*, i. e. *lecti necessitas*.

Acta Sanctor.
30. Apr. 821.

From what has been observed in the course of this dissertation, the import of this grant will be clearly understood. By it the inhabitants of both territories were declared to be *custumarii*, in common; and consequently, if they married in either territory, the rule was, that *nihil dabunt pro maritagio*, to use the words in one of the grants quoted by Spelman.

I suppose that the same custom, which I have attempted to explain, might be traced throughout all the countries of Europe, and might in them all be explained with equal facility.

The probable reason of the custom appears to have been this: Persons of low rank, residing on an estate, were generally either *ascripti glebae*, or were subjected to some species of servitude similar to that of the *ascripti glebae*. On that estate they were bound to reside, and to perform certain services to the Lord. As women necessarily followed the residence of their husbands, the consequence was, that when a woman of that rank married a stranger, the Lord was deprived of part of his *live-stock*. He would not submit to this loss, without requiring an indemnification; at first, the sum paid by the father of the young woman would nearly amount to an estimated indemnification; and, as the *villains* were grievously under the power of their Lord, it would be often exorbitant and oppressive. In process of time, the Lord would discover, that as the young women of his estate were exported, the young men of his estate would import others; so that, upon the whole, no great prejudice could arise from *extra-territorial marriages*. Hence the indemnification would be converted into a smaller pecuniary composition, acknowledging the old usage, and the right of the master. As the intrinsic and marketable value of money decreased, this stated composition would be gradually omitted out of terriers and rent-rolls, or would be thrown into the aggregate sum of rent.

LL. Burg. 19. From the account which I have given of the nature of *merchetum mulieris*, we may learn the meaning of a passage in *LL. Burgorum*. ‘Sciendum est, quod in Burgo non debet audiri—*Merchetæ, here-zeld, nec aliquid de similibus*.’ The reason is, these were *villain* performances, not exigible from the tenants of the King in free burgage. The words, *et de similibus*, imply, other *villain* customs not enumerated.

Reg. Majest.
iv. 31.

I am fully aware, that the famous passage in *Regiam Majestatem* will be opposed to my hypothesis. It runs thus: ‘Sciendum est, quod secundum assisam terrae Scotiae, quaecunque mulier fuerit, five

‘*nobilis* five *serva*, five *mercenaria*, *marcheta* sua erit una juvenca, vel
 ‘tres solidi, et rectum *servientis* tres denarii. Et *si filia libera sit*, et
 ‘non domini villae, *marcheta* sua erit una vacca vel sex solidi, et rec-
 ‘tum *servientis* sex denarii. Item *marcheta* filiae Thani vel Ogetha-
 ‘rii duo vaccae, vel 12 solidi, et rectum *servientis* 12 denarii; item
 ‘*marcheta* filiae Comitis est Reginae 12 vaccae.’

It must be admitted, that this passage supposes the *marcheta* to have been paid for the daughter of an Earl, as well as for a female slave, which is inconsistent with the usage of England, and with the reason assigned by me for that usage. If the regulations in *Regiam Majestatem* were indeed an *affisa terrae Scotiae*, it will follow, that the right of composition extended much farther in the practice of Scotland, than in the neighbouring country.

To any one who would incline to examine this passage critically, I recommend the following queries. 1. At what precise period was the price of a cow in Scotland equal to six shillings? 2. What is *serviens*? Is it the sheriff, or some inferior officer? 3. At what time was the fee of the King’s officer the 12th part of the sum leviable? 4. How happened it that the *marcheta* of a woman nobly born, and that of a female slave, was the same? How happened it, that the *marcheta* of the daughter of a Thane was four times as much as that of a woman nobly born? 6. Whence comes it to pass, that the *marcheta* of a *filia libera* was the double of the *marcheta* of a *mulier nobilis*? 7. In what court was the *marcheta* exigible in the case of the daughter of one holding by the tenure of free burgage? We know from *LL. Burgorum*, that it was not exigible in the borough-court.

LL. Burg. 19.

A solution of these queries may lead to a just notion of this *affisa terrae Scotiae*.

I flatter myself, that the reader will now perceive what are the genuine senses of the word *mercheta*. From the deduction which I have made, he may perhaps discover its etymology; but it is of no moment although he should not. For, when once the *thing* is known, inquiries into the etymology of the *word* expressing it, are rather curious than useful.

Antiently there prevailed a custom in various parts of Europe, which some writers appear to have confounded with the *mercheta* of Britain. It has been generally termed the *jus primae noctis*. Its origin was this.

By the 13th chapter of the iv. council of Carthage, it was thus enacted: 'Sponsus et sponsa, cum benedictionem acceperint, eâdem nocte, *pro reverentia ipsius benedictionis*, in virginitate permaneant.' A plain man would have deduced a contrary inference from the *reverentia benedictionis*; yet, according to the rule here established, it seems that we ought to say, 'cum mensae benedictio *hodie* accesserit, *cras* coenabimus.' This capricious African conceit was received into the canon law. It is twice repeated in the decretals*.

1. *Distinct.*
23. c. 33. ii.
Caus. 30. c. 5.

Capit. Reg.
Franc. I. vii.
c. 463. apud
Baluz. i.
1129.

Improvements were afterwards made upon this constitution; in the capitularies of the Kings of the Franks, it is thus written: 'Uxor suo tempore, ut mos est, sacerdotaliter cum precibus et oblationibus a sacerdote benedicatur, et a paranympis, ut consuetudo docet, custodita et sociata a proximis, quae tempore congruo petita legibus detur et solemniter accipiatur, et *biduo vel triduo* orationibus vacent et castitatem custodiant, ut boni soboles generentur, et domino suis in actibus placeant.'

Beschryving
der aloude Re-
geeringwyze
van Holand,
iii. 166.

G. Van Loon conjectures, with great appearance of reason, that the *biduum vel triduum* was introduced on no less authority than that of the book of Tobit, c. viii. v. 4.

Responser du
droit Fran-
çois I. vii.
R. 79.

This custom prevailed long in France; the clergy, however, judged it expedient to mitigate the rigor of the canon. The Bishops of Amiens, in particular, were wont to grant dispensation to the parties on receiving payment of certain dues. Payment at length having been refused, the Bishop insisted on his procrastinating right, and the cause came to be tried in the parliament of Paris. Charondas says, 'Nous lisons en un ancien arrest du 26. de May 1409, donné contre l'evesque' vesque

* I am informed, that the superstitious abstinence sanctified by the council of Carthage, is still observed by the vulgar in some parts of Scotland.

‘vesque d’Amiens, par lequel, non obstant l’ancienne coustume de son
‘diocese, de prendre argent des nouveaux mariez pour la premiere li-
‘cense de coucher avec leurs femmes, ledit evesque fut debouté du
‘droit de la dite prestation pecuniaire, et depuis a esté donné autre
‘arrest contre l’Abbé de Rebois en semblable espee.’

Papon dates this judgement 1st March 1401; and he adds, ‘decla-
‘ratum fuit—sponsos citra scrupulum et impetratam ejus veniam pri-
‘mâ nocte una concumbere posse.’

*Corpus Juris
Francici XV.
i. arr. 4.*

It would seem, that neither the parties nor the judges knew the o-
rigin of the practice. For Charondas says, ‘Les anciens, pour la sim-
‘plicité de l’aage, ou quelque gaillardise qui lors facilement se laschoit
‘et permettoit, ont accordé plusieurs choses n’estant paravanture qu’on
‘les deust tirer à consequence, et sur un usage de quelque temps fon-
‘der un droit perpetuel; mais depuis qu’on cognoist le mauvais fonde-
‘ment de tel usage, qui se tourne en abus, il est besoin de l’abolir et
‘supprimer; car, en matiere de police publique, ou d’abus, contraire
‘a l’honesteté civile, le temps ne les jugemens sur ce donnez n’empor-
‘tent auctorité de coustume, ne de chose irrevocablement jugée, et
‘partant ne faut tirer en consequence ce qui a esté premièrement in-
‘troduit contre la raison du droit.’

Van Loon, a late antiquary of Holland, has made some observa-
tions concerning the *jus primae noctis*, which appear to be learned and
ingenious. His words are, ‘As mention has been made of the tri-
‘bute paid by the *serfs* to their masters for permission to marry, it
‘will not be foreign from the subject, if we now treat of the redemp-
‘tion paid for the *jus primae noctis*, which is called by the French *le*
‘*droit de cullage*’, and with us *het recht des eersten nachts*, and is
‘known

*Beschryving
der aloude
Regeering-
wyze van Ho-
land, iii. 164,
&c.*

* ‘*Culagium* tributum a subditis matrimonio jungendis domino exsolvendum. Gall.
‘*Cullage*. Adde, eodem nomine, varie tamen pronunciato, vocabant munus in cibis vino
‘vel pecunia exhibendum a recens nupto focis;’ *Carpentier*, suppl. ad Gloss. *Du Cange*.
The last words are remarkable, as they tend to confirm an observation which Van Loon
makes in the sequel.

‘ known in the lordships of Voshol, Schegen, Sluipwyck, and Rhoon,
 ‘ as also in many places of Germany, England, and Scotland.’

Here Van Loon supposes that the *mercheta* was paid for redemption of the *jus primae noctis*. After having mentioned the law of E-
 venus as related by Boece, and its supposed repeal about the 12th
 century, he adds, ‘ In the like sense, many of our writers understand
 ‘ the *recht van den eersten nacht* ; not however in consequence of this
 ‘ foreign ordinance ; for, of what force could the ordinance of a Scot-
 ‘ tish King be among the Frisians ? But they represent it as a remnant
 ‘ of Paganism, which, on the introduction of Christianity, was com-
 ‘ muted into a payment of a certain sum of money.

‘ Although, at first sight, this account of the origin of an antient
 ‘ lewd custom, may appear specious ; yet I must fairly acknowledge,
 ‘ that the very existence of such a custom among the Pagan Frisians,
 ‘ seems altogether conjectural, and without any warrant from antiqui-
 ‘ ty. I therefore think, that such an hypothesis ought not to be impli-
 ‘ citly received ; and this the rather, because it is contrary to every
 ‘ thing that Tacitus has written concerning the manners of the antient
 ‘ Germans. He says, that adulteries were rare among those people,
 ‘ and were severely punished ; and that the innate chastity of the Ger-
 ‘ mans contributed more to the preventing of wantonness, than the
 ‘ most rigorous sanctions of the Roman laws.’

‘ Thus also, in the sermons preached by Boniface in this country, for
 ‘ the conversion of the Frisians, the worship in sacred groves, various
 ‘ other heathenish superstitions and lasciviousness in general, are cen-
 ‘ sured ; but we do not find that the abuse in question is ever men-
 ‘ tioned, although it merited especial censure.

‘ Besides, although the laws of the Frisians mention various punish-
 ‘ ments inflicted on lewdness, as well in the case of freemen as of bond-
 ‘ men, there is not any vestige of a redemption of this nature to be
 ‘ found in them.

‘ I should wish to know by whom this redemption was exacted du-
 ‘ ring the reigns of the Kings of the Franks. Certainly not by the
 ‘ Princes

‘ Princes themselves, far less by the Lords of seignories ; for, at that
‘ time, there were no Lordships or seignories in this country ; nei-
‘ ther could it be by the hundred men, [*centenarii*] ; for they, in the
‘ same manner as the Counts, [*Graven*, or *comites*], were bound to judge,
‘ not according to their own pleasure, or arbitrarily, but partly by the
‘ laws of the Frisons, partly by the common law, or the *capitula* of
‘ the Frank Kings.’

‘ It appears to me, that this redemption of the *recht van den eersten*
‘ *nacht*, must be derived from a very different source. In the fourth
‘ council of Carthage, held in the year 398, it was ordained, that all
‘ new-married persons, out of respect for the sacerdotal benediction,
‘ *eâdem nocte in virginitate permaneant*. This species of continency
‘ was not only enforced by the general constitutions of the Kings of
‘ the Franks, but also prolonged for three nights, after the example of
‘ Tobias, that the bridegroom might employ that interval in prayer,
‘ with this charge, that the bride should remain in the mean time un-
‘ der the custody of her attendants, and only after the expiration of
‘ the three nights should be delivered over to the society of the bride-
‘ groom. Nevertheless, when, about the beginning of the 12th cen-
‘ tury, the office of judges in the tribunal of a hundred [*centenae*] had
‘ become hereditary, instead of elective, as in the days of the Kings
‘ of the Franks ; and when, in the following century, the jurisdiction
‘ of the Counts [*Graven*] became feudal, the antient constitutions of
‘ those Kings, touching the abstinence for three nights, &c. were ne-
‘ glected by the new Lords of the country ; and, if they were not to-
‘ tally abolished, at least the redemption of this inconvenient custom
‘ was permitted ; just as in Brabant at this day, persons newly betro-
‘ thed are permitted to purchase an exemption from having their
‘ bans thrice proclaimed. It is of such a sort of redemption, that I
‘ think the *recht van den eerst nacht* ought to be understood.

‘ There is an old custom, probably arising from the same cause,
‘ and which still subsists among our peasants ; by it, on payment of a
‘ dinner

‘dinner of fish, or any thing else, the attendants on the bride sell and deliver her over to the bridegroom.’

Were it necessary, more observations might be added on this subject ; but I apprehend, that enough has been already said to explain the nature of the *jus primae noctis*, as well as of the *mercheta*.

Bayle *dict.* v.
Sixteiv. rem.
H.

I cannot, however, omit mentioning a remark made by Mr Bayle. This subject suited his taste ; it afforded him an opportunity of quoting books that are little known, of using gross language, and of representing man in odious colours. Having mentioned that the house of Rovere in Piedmont had a strange privilege, he subjoins this note : ‘C’etoit un droit de pucelage des filles que leurs vassaux epousoient. Un Cardinal de cette maison jetta dans le feu la patente de ce privilege. *Cotal costume* l’auteur venoit de parler de celle que Malcolm [Evenus] Roi d’Escoffe avoit etablie, *cotal costume de Pagani et de Gentili fu gia in Piemonte, et il Cardinale illustrissimo Hieronimo della Rovere mi diceva haver egli stesso abbruciato il privilegio che haveva di cio la sua casa* ; ces paroles sont d’un auteur qui vivoit au commencement du xvii. siecle ;’ *Bonifaccio Vannozzi avvertimenti politici*, tom ii. p. 253.

Since the well-meaning Cardinal thought fit to burn the grant, we may be allowed to doubt of its contents, until some other evidence of them shall appear. It is probable, that he imagined *that* to be a lewd and flagitious privilege, which, in the course of this dissertation, has appeared to have been of a nature altogether inoffensive.

Bayle adds, ‘Monsieur Pars Minister de Katwic raconte, dans un ouvrage Flamand, intitulé *Katwykse oudheden*, c’est a dire *antiquitez de Katwic*, p. 196. que certains seigneurs de Hollande, il en nomme quelques uns, ont eu un semblable privilege, et que les Etats l’ont aboli en leur donnant quelque argent.’

I have had no opportunity of consulting the treatise here quoted ; but I see that Van Loon has gone over the same ground ; and I presume, that the Lords, who are said by Pars to have enjoyed this privilege,

vilege, were the Lords of Voshol, Sehegen, Sluipwyck, and Rhoon, of whose *recht van den eersten nacht* Van Loon has given a satisfactory account.

Some apology may, perhaps, be necessary for the medley of languages which has been employed in this dissertation. The truth is, that I meant to convey my sentiments to the learned, without being intelligible to common readers. This excuse will, I flatter myself, be candidly received.

Tt

No. II.

No. II.

A COMMENTARY on the XXII. STATUTE

OF

WILLIAM the LION.

Vid. ANNALS, pag. 141.

IN Skene's edition, the xxii. statute of William *the Lion* runs thus :

‘ § 1. Si aliquis liber homo intestatus decesserit, bona ipsius per
‘ manus amicorum suorum et parentum, ac per provisionem sanctae
‘ ecclesiae, distribuentur, salvis unicuique debitis, quae defunctus de-
‘ buerat.

‘ § 2. Et cum post mortem alicujus decedentis intestati, et obligati
‘ aliquibus in debitis, bona deveniunt ad ordinarium disponenda, obli-
‘ gentur ordinarii ad respondendum de debitis, quatenus bona defuncti
‘ sufficiunt.

‘ § 3. Eodem modo, quo executores respondere tenentur, si dece-
‘ dens testamentum fecisset.’

The just interpretation of the statute seems to be this :

‘ § 1. If a free man die intestate, his effects shall be distributed by
‘ the hands of his relations, and by the provision or superintendency
‘ of holy church, reserving to every one his claims for what the de-
‘ ceased owed.

‘ § 2.

‘ § 2. And when, upon the death of one intestate and bound in payment of debts, his goods come to the disposal of the Ordinary, the Ordinary shall be liable in payment of the debts, to the extent of the effects of the deceased.

‘ § 3. In the same manner, as executors are liable when the deceased has made a testament.’

The translation by Skene, as it generally happens, is erroneous*.

He renders *per manus amicorum suorum et parentum* thus, ‘ be the sight of his friends [and] parents.’ I do not see why the obvious meaning of the words should be departed from. *Per manus* is not ‘ be the sight,’ but ‘ by the hands,’ or ‘ ministration.’ A similar expression occurs in the 1st canon of the council of Clermont, ann. 1096.

‘ Episcoporum deficientium res *per archipresbyterorum seu archidiaconorum manus*, aut secundum mortuorum iudicium pro ipsorum salute in eleemosynas dispensentur, aut successori qui futurus est reserventur.’

P. Marca de
Concordia,
1029.

The phrase *amici et parentes*, does not mean ‘ friends and parents,’ but ‘ friends and relations,’ used as synonymous; and so the words are used in Scotland at this day. With us, ‘ a near friend’ is not ‘ an intimate familiar,’ but ‘ one near to us in blood.’ Hence we say, ‘ her friends have used her ill ever since her disgraceful marriage;’ and, ‘ he is poor, and neglected by his wealthy friends,’ &c.

The expressions, *et cum post mortem alicujus decedentis intestati, et obligati aliquibus in debitis, bona deveniunt ad ordinarium disponenda*, are thus rendered by Skene. ‘ After the decease of anie man intestate, and awand debts to creditors, his goods shuld be disponed be his ordinary.’ Whereas the sense is, ‘ when the effects of one dying intestate, and in debt, come to the disposal of the ordinary,’ or, ‘ to be distributed.

T t 2

* I know not for what cause it is, that the translation of the old laws by Skene has obtained such authority with us, as to be quoted by our lawyers in place of the original; that strangers, ignorant of the laws of Scotland, should have so quoted it, is not surprising.

‘distributed by the ordinary.’ By comparing § 1. and 2. it seems plain, that *disponere* in § 2. and *distribuere* in § 1. are synonymous.

The meaning of § 1. is, ‘That the effects of one dying intestate were to be distributed, among those having any claim to them, by the relations of the deceased, and by the church.’

From the words, *per provisionem sanctae ecclesiae*, it may be inferred, that the church had a superintendency in this distribution.

I will not much enlarge on the rise and progress of that administration which Bishops assumed over the moveable estates of persons dying within their dioceses; the following slight sketch will give a general view of the subject.

L. 28. Cod. d.
Episcop. et
Cler.

In the seventh century, the Emperors Leo and Anthemius ordained, that money left for the redemption of captives should be at the disposal of the bishop of the diocese within which the testator resided at the time of his death.

L. 46. Cod. d.
Episc. et Cler.
et Nov. 131.
c. 11.

Justinian extended this power of disposal to any legacy left for the ransoming of captives, or for the maintenance of the poor. [ὕπὲρ ἀναγωγῆς αἰχμαλώτων ἢ ἀποτροφῆς πεινητῶν.] And he decreed, that the heir should forfeit the succession, in case he delayed to account to the Bishop.

The transition was easy from this power which Bishops obtained, to the power of obliging the heir to account for all legacies, whether left to pious uses, or to individuals.

Tit. i. de Test.
c. 6. § 4.

Accordingly Covarruvias lays it down, ‘posse Episcopum intra quinque menses, aliudve tempus arbitrarium, cogere haeredes et executores testamentarios ultimam voluntatem ad executionem deducere, per censuram ecclesiasticam vel per interdictum administrationis bonorum defuncti, textus optimus hic; Nov. 131. et Decr. Gregor. III. Tit. 26. c. 17. c. 19. ex quo praecipue haec assertio colligitur, etiam quoad legata profana.’

The power being once established of obliging the executor to render an account of his administration to the Bishop, there were many reasons which concurred for vesting the administration in the Bishop, when the deceased died intestate, and without naming an executor.

1. The

1. The received opinion of the sanctity of the clergy. Whether this opinion was well founded or erroneous, it is not my province to inquire.

2. Their peculiar knowledge in the art of writing, and of every thing respecting accompts.

3. The efficacy of ecclesiastical denunciations for obtaining discovery of the concealed effects of the deceased.

4. The security of the effects themselves, while in the custody of men whose persons were held sacred, and who generally resided within a sanctuary.

5. The duty which the Canonists term *restitutio de male ablatis*.

Add to all this, 6. That men were wont to purchase the prayers of the church by testamentary bequests, either from piety, for the souls of their parents, from fashionable loyalty, for the souls of the sovereign and his predecessors, or from more interested motives, for relieving themselves out of purgatory. It was therefore to be presumed, that every person would have made a bequest to the church, had he had time and opportunity of distributing his effects by will; and hence it was natural for the church to interpose, with the view of rendering such intention effectual; but it was most unnatural to presume, that he who died intestate, meant to leave his whole effects to the church. *Quod plerumque fit, praesumitur*, is a known maxim; but the maxim, *quod quam rarissime fit, praesumitur*, would seem new and extraordinary.

Essays on British antiquity.
174. &c.

Such appears to have been the rise and progress of that administration which the Ordinaries assumed over the moveable estates of persons dying intestate.

The first section of the xxii. statute of William the Lion, shews how matters were conducted when the relations of the deceased appeared and put in their claim. The distribution of the effects in such case was, 'per manus amicorum et parentum, et per provisionem sanctae ecclesiae.'

But

But cases might frequently happen, where the relations of the deceased would not concern themselves in his succession; as when the relations standing in the same degree were numerous, and the value of the effects inconsiderable, or when the debts due to the deceased were so large as to embarrass the succession.

To such cases the *second* section of the xxii. statute of William the Lion seems to relate. ‘*When the effects of one dying intestate, and in debt, come to be distributed by the Ordinary.*’ This, as has been shewn, is the sense of the words, ‘*Cum post mortem alicujus decedentis intestati, et obligati aliquibus in debitis, bona deveniunt ad Ordinarium disponenda;*’ not, as has been sometimes supposed, ‘that, after the decease of any man intestate, and owing debts to creditors, his goods shall be disposed by his Ordinary.’

This last interpretation is erroneous; and the error has arisen from overlooking the word *cum* in § 2. and from not distinguishing between the different cases put in § 1. and § 2.

In § 3. it is declared, that the Bishop is accountable to the creditors of the person dying intestate, in the same manner as executors named by the deceased are accountable. This seems rather to declare and enforce the former practice, than to introduce a new law. A similar form of expression is to be found in other statutes of William the Lion. Thus, c. xiii. ‘*Nullus potest in lecto aegritudinis suae, de qua moritur, alienare aliquas terras quas haereditariè possidet.*’ And yet no one imagines that this statute introduced the law of Death-bed. See also to the same effect, c. xvii. § 1. and c. xxvii. § 2. Such indeed must be the stile of statutes, when the law, from being *consuetudinary*, becomes *written*.

For the illustration of this subject, much light would have been obtained from the transactions of the synods or provincial councils in Scotland,

Scotland, had those monuments of ecclesiastical antiquity remained entire.

All that I have been able to discover relative to the present question, is contained in the proceedings of a provincial council held at Perth, 16th July 1420. *Chart. Morav*
fol. 62. 63.

At that assembly, the clergy of each diocese were required to report *upon oath*, what was the practice in administering, or, in our law-language, as to the *confirmation of testaments*. They unanimously reported, *upon oath*, as follows.

‘ That Bishops and Ordinaries had been in the constant practice of *confirming the testaments* of all persons within their respective dioceses, and of naming executors to those who died intestate.

‘ That it was the constant practice to sequester the effects of the deceased, until their latter-wills were presented to the Ordinary, and regularly confirmed in his court.

‘ That the Ordinary required all executors to administer upon oath, and, as far as in them lay, truly to perform all the reasonable injunctions of the deceased, and also to be ready, whenever required, to render an account of their administration to the Ordinary, and to all others concerned.’

They further reported, ‘ That the practice was, first to pay the debts of the deceased, and then to divide his effects into three equal portions, whereof one was given to his widow, and one to his children; that the executors bestowed the remaining third in payment of legacies*, and for obsequies and prayers in behalf of the deceased: That for this third, or *dead's part*, the executors of the deceased were wont to pay a composition to the Ordinary, at the rate of five *per cent.* for the charges of confirmation.’

It

* If this comprehends the case of persons dying intestate, the mention of *legacies* may seem singular; but it will be remembered, that the Canonists used great latitude in establishing nuncupative legacies. Of this, I believe, some remarkable vestiges still remain in the law of England.

It will occur to every intelligent reader, that no mention is here made of the case of a person leaving neither widow nor children. In the 15th century, marriages were more early with us, and possibly more fruitful than at present. Besides, men were more frequently cut off by violent deaths than they are under a better government, regularly established; and, consequently, the number of women who survived their husbands, would be greater then than now; yet still the event of a man dying without leaving either widow or children, must have often occurred; and *there*, I presume it was, that the clergy reaped their best harvest.

The council at Perth, in 1420, ratified all the usages already mentioned, and enjoined both clergy and people to observe them.

At no period of the Scottish history had the clergy a fairer opportunity of committing excesses than under the regency of Robert Duke of Albany and his son Murdoch. The power of that branch of the royal family prevailed, without a rival, for near forty years. The policy of the father favoured the churchmen, who flattered him, and supported his administration. The imbecillity of the son rendered him incapable of redressing grievances; and yet, if we can believe the solemn and uncontradicted assertion of the whole Scottish clergy, the manner of applying the effects of persons who died intestate, even in the 15th century, scarcely merited the name of *abuse*. Of *shameless rapacity*, and of *monstrous practices*, I discern no traces; and yet such appellations have been bestowed on the conduct of the Scottish clergy. This has been principally occasioned by an error in interpreting the xxii. statute of William the Lion.

I have only to observe farther, that there is no probability that abuses would have been tolerated during the reign of William the Lion, which were not actually practised during the regency of Murdoch Duke of Albany. Scotland was no less ignorant and superstitious at the beginning of the 15th century, than it was towards the close of the 12th. At the beginning of the 15th century, a weak pusillanimous creature

creature was the nominal head of the state. Towards the close of the 12th, there reigned a sovereign, high-spirited and vigilant, and one who opposed the encroachments of the clergy, and contemned the thunders of the Papal See.

This consideration is, of itself, sufficient to prove, that the received interpretation of the xxii. statute of William the Lion is erroneous.

U u

No. III.

No. III.

OF THE XVIII. STATUTE OF
ALEXANDER II.

Vid. ANNALS, pag. 161.

OF the statutes of Alexander II. as published by Skene, the chapter xviii. 'De Maneleta, id est, *Guild*,' is one of the most remarkable.

It runs thus: 'Si firmarius tuus ponat *maneletam* in terra domini Regis vel Baronis, et non vult eam deliberare et mundare, debet puniri sicut seductor, qui ducit exercitum in terram domini Regis vel Baronis. § 2. Item, si natus tuus habeat *maneletam* in terra tua, pro qualibet planticula dabit tibi, vel cuilibet alio suo domino, mutonem ad forisfactum suum. Et nihilominus terram mundabit a *maneleta*.'

Guild is, in English, *the corn marygold*, or *chrysanthemum segetum*. The word seems to be an abbreviation of the German *goldblum*.

The Scottish botanists, as Sutherland, Sibbald, Morison, and Alston, do not mention it by the name under which it is known in Scotland.

Stirpes Hi-
bernicae,

Threlkeld says, 'It is, in some places, a pest to the corn; and manour-courts do amerce careless tenants who do not weed it out before it comes to seed.'

Flor. Suec.
296.

Linnaeus observes of this plant, 'Acceffit in Hallandiam, cum frumento è Jutlandia ante 60 annos petito;' and again, 'Dani lege obstringuntur plantas omnes ex agris eradicare.'

It

It has not yet found its way into Switzerland or Lapland*.

I am told that this ordinance continues to be enforced in the barony of Tinwald in Annandale.

For illustrating the Scottish ordinance, Skene has referred to a passage in the civil law, and to a passage in the natural history of Pliny. The passage quoted from the civil law respects those who maliciously sow weeds among their neighbour's corn; that from Pliny, speaks of the weeds which spring up among corn; but it mentions not any law for extirpating them; and therefore is foreign from the intendment of the statute in question.

L. 27. § 14.
D. de Leg. A-
quil.
Plin. Hist.
Nat. l. xviii.
c. 17. [l. c.
44. § 3.]

The likening him who sows weeds in the land of the King or Baron, to him who raises sedition in the army, is a curious notion, and altogether feudal.

Although the ordinance may seem to say, that the fine of a sheep was to be exacted for every plant of the corn-marygold that was suffered to come to seed; yet the sense is, that such fine was to be exacted, even if a single plant was suffered to come to seed.

The evil apprehended from this noxious weed must have been very great, if it induced the Scottish legislature, in the 13th century, to publish an ordinance so strict, and with such severe penalties.

This leads me to observe, that I have examined several MSS. of our old laws in the Advocates Library, particularly Lord Cromerty's MS. which is the most antient of all, that of Monynet 1488, and of Bannatine 1520, as also the old version in the Scottish language; yet in none of them is this statute concerning *guild* ascribed to Alexander II. It is however to be found in the treatise *de Judiciis*, c. 6. 7. with this single verbal difference, of *menelatam* for *maneletam*. Upon what authority it was that Skene ascribed this ordinance to Alexander

U u 2.

II.

* These illustrations concerning *the guild*, were communicated by Dr John Hope, professor of botany in the university of Edinburgh. One might be led to imagine, that *menelat* or *manelet* was a Gaelic word; yet I am assured, that the word is not known in that language; the word used for *guild* being *brenanbroi*, i. e. 'that which rotteth corn.'

II. I know not; neither will I inquire whether it was justifiable in him to transplant an ordinance out of the treatise *de judiciis*, whose age and author are unknown, and to place it among the statutes of Alexander II. This, however, I must observe, that the more I compare the work of Skene with the antient MSS. of our law, I am the more persuaded that he was a careless, and even an unfaithful publisher; and that, if curiosity should ever lead us to study the antient laws of Scotland, we must explore the sources which he has neglected or corrupted.

In confirmation of this remark, I beg leave to transcribe a statute of Alexander II. as published by Skene, with his version of it; and then to subjoin the same statute as it appears in the most antient MS. of our laws, that which Lord Cromerty presented to the Advocates Library.

Lex Aquarum, c. 16.

[‘ Haec est assisa Regis Alexandri facta apud Perth, die Jovis ante
‘ festum Margaretae, per Comites, Barones, et Judices Scotiae,] quod
‘ filum aquae, seu medium aquae, *lie streame*, debet esse liberum usque-
‘ quaque in tantum, adeo quod unus porcus trium annorum bene pas-
‘ tus possit se vertere infra filum aquae, ita quod neque rostrum por-
‘ ci nec cauda appropinquet sepi vel ripae.’

Skene’s version runs thus: ‘ That the stream of the water sal be in
‘ all parts swa free, that ane swine of the age of three zeares, well feed,
‘ may turne himself within the streame round about, swa that his
‘ snout nor taill *shall not touch the bank of the water.*’

Every reader must, at first sight, perceive, that the explication of this statute depends upon the sense of the word *sepi*. Skene, however, has omitted that word in his version. He supposes that the meaning of the statute is, ‘ That the mid-stream shall be so wide, as that a swine may
‘ turn itself without touching, either with its snout or tail, *the bank of
‘ the river.*’ This is altogether unintelligible; for it supposes the *mid-stream* to be close to the bank of the river.

The word *sepes*, which in the MSS. used by Skene is joined to *ripa*, is as comprehensive as the word *septum*. *Sepes*, a hedge or mound;

mound; *Hutton*. Lat. Lexicon 1583. 'Septa sunt, five ea lignea
' sunt, five lapidea, five qualibet aliâ materiâ sint, ad continendam trans-
' mittendamque aquam excogitata; l. 1. § 4. *D. de. Rivis.*' *Sepes*,
therefore, in this place, is the hedge or heck, the palisadoes, or rails
placed for interrupting the course of the salmon; and the sense is, that
the mid-stream shall, for a certain breadth, be free from such hedge
or heck. This breadth is expressed according to a form of measure-
ment adapted to the notions of a rude age.

All the ambiguity has arisen from the interpolation of the word
ripa, which appears to have been put in this place for *a bank or mound*
across the river, not for *the bank of the river*.

But the sense of the statute is perfectly clear in Lord Cromerty's
MS. 'Quod filum aquae, scilicet *medium streum*, debet esse liberum
' usquequaque, in tantum quantum unus porcus trium annorum be-
' ne pastus est longus, et possit se vertere infra filum aquae, ita quod
' nec groyn [*the snout*] porci neque cauda *appropinquet sepi.*'

No. IV.

BULL of POPE INNOCENT IV.

Vid ANNALS, pag. 163.

INNOCENTIUS Episcopus, &c. Venerabilibus fratribus Lyncoln, Wygorn, et Lycchefelden. Episcopis, salutem et Apostolicam benedictionem. Clamat in auribus nostris Scotiana ecclesia, et adversus eos, qui fidelem Scotiae videntur regere populum, et heredem illius Christianissimi Regis, adhuc impuberem, obtinere suae potestati subiectum, multiplicem se habere proponit materiam questionis, et caritativa quidem in illos primum querela dirigitur, pro rege puero et pro regno, quod videlicet eidem regi pupillo benè non consulant, dum thronum ejus novi aulici ascendentes, amotis sanitatis consiliis, quibus providus eum suffulcerat vivens adhuc patrius affectus, justitiâ et judicio non conformant, nec in sua regnum ipsum integritate conservant. Dum iidem novi aulici novis consiliorum machinis ecclesiasticam impetunt libertatem*, quam profecto qui violant, principum robur quo fides viget catholica, et regia dirigitur celsitudo, confringunt. Inter caetera quae in derogationem ecclesiasticae potestatis in partibus illis ministri regni et locorum domini post obitum clarae memoriae Regis Scottorum, quem fides et libertas ecclesiae Christianissimum habuit defensorem, sub rege tenerae indolis attemptare dicuntur, nemini videri non debet absonum et absurdum, et divini et humani judicii animadversione:

* It is curious to see the cant concerning *the new ministry, and the church in danger*, used among the Scots in the thirteenth century. Impartial posterity will judge, whether this declamation was selfish or patriotic.

madversione plectendum, quod cum ecclesiarum prelati excommunicationis, vel interdicti, seu suspensionis sententias, ob contumaciam seu offensam proferunt in subjectis, ad eos, ut hujusmodi sententias revocent, literatoria sub nomine regis jussa manant, qui nisi praeceptioni pareant, ad id per bonorum suorum confiscationem sacrilegam compelluntur, sicut aliquibus ejusdem regni episcopis dicitur contigisse.

Super possessionibus quoque, seu rebus quas in jus divinum pia contulit largitas devotorum, clerici per regia trahuntur edicta contra cleri privilegium ad judicium seculare, nec audiuntur jus publicum allegantes, sicque per judicis incompetentis injuriam nonnunquam ecclesiae suis possessionibus spoliuntur. Et praeterea, cum aliquibus possessionibus clericis in eleemosynam a laicis perpetuam donatis, nihil sibi praeter exercitum ad defensionem regni et commune auxilium retinent donatores, iidem ministri et alii laici eorum favore suffulti, per adjunctionem hujusmodi praedictas possessiones laicantes fore censentes, eas in omnibus paris conditionis efficiunt, cum possessionibus laicorum, et in divini juris dispendium, interpretatione perversâ donatorum munificentiam restringentes, laicae subjiciunt servituti. Non attendentes quoque quod laicis, quantumlibet religiosis de rebus ecclesiasticis nulla est possibilitas distribuendi attributa ecclesiastica praedia, invititis et contradicentibus dominis, limitare propriâ temeritate, et de ipsorum finibus in quorum possessione pacifica ecclesiae fuisse noscantur per tempora longiora, sequentes interdum perjuriam laicorum, qui clericis quidem sunt infesti, [et] proferunt pro laicis contra clericos iniqua judicia, quae tandem per spoliationis violentiam exsequuntur; porro de jure patronatus, quam sit spiritualibus causis annexum nemo ferè non novit; sed licet per hoc quod explorati sit juris, illud ad judicium ecclesiastici examinis pertinere de generali, et jure consentaneâ regni praedicti consuetudine, sit obtentum; id tamen ibidem novis conviciis usurpatur a laicis, et, ut super hoc cum de illo agendum fuerit ad forinsecum recurratur judicium, jam ex parte Regia est publicè proclamatum. Fidei vero ac jurisjurandi modum quis abnuat inter spiritualia negotia, nisi quis de fide non senserit computandum, et cum carne se in hac parte spiritui

spiritui contumaciter praeferente, coeperunt in partibus vestris regia scripta discurrere, per quae in regis notam et regni jacturam redundant, ne quis ad observationem juramenti vel fidei per censuram ecclesiasticam cogatur, inhibetur.

Sane, licet sit de antiqua ejusdem regni consuetudine introductum, et velut humanae disciplinae consonum pacificè usque ad hoc tempus observatum, ut praelati quandem poenam infligant pecuniariam, pro delictis quae ad censuram ecclesiasticam noscuntur pertinere, cum delinquentes perspexerint spirituali gladio, quo non est poena severior, feriendos. Jam regni praedicti magnates, et alii temporali praediti potestate, consuetudinem immutare volentes laudabilem, subditis suis ne hujusmodi poenae pareant interdunt. Ad ea insuper quae ab humani jure dominii divinae potestatis auctoritas abdicavit, ministrorum sui cultûs usibus profutura, praesumptuosa nimis atque damnabilis eorundem magnatum prorogatur audacia de foeno, molendinis, pascuis decimas solvi ecclesiasticas interdicens. Si qui vero super iis praestandis in judicium coram ecclesiasticis iudicibus evocantur, actores persequi jus divinum, aut iudices super eo justitiam exhibere poscentibus, missa sub nomine regis edicta prohibitoria non permittunt, quin potius hoc sub gravis poenae interminatione proposita iidem iudices coguntur jam rite prolatis nuper sententias revocare. Clerici vero uxorati ejusdem regni, qui clericalem deferentes tonsuram clericali gaudere solent privilegio, et cum bonis suis sub ecclesiasticae protectionis manere praesidio ab antiquo, solitae immunitatis beneficiis exuuntur, et sub nova rediguntur onera servitutis. Verum, ne parum illis esset per hoc in Scoticanam ecclesiam deliquisse, peccatum adjecerunt, non satis veniale in Romanam, dum plenitudinem potestatis qua Deus sedem Apostolicam praedidit, quantum in ipsis est vacuare conantes, clericos literarum nostrarum impetratores, et iudices delegatos a nobis ab agendo vel cognoscendo, commissa tractare negotia prolatis regiis prohibitionibus et interminationibus non permittunt, in ejusdem sedis intolerabilem injuriam et contemptum; verum quia [l. quamvis] pastorum interest praecipuè pro salute gregis, et pro decore libertatis ecclesiasticae,

cleſiasticae ſe objicere aſcendentibus ex adverſo, nonnulli de clero ut
 concuſſis columnis aedificium corruat adverſus pontifices ſuos, impias,
 ut dicitur, inter ſe colligationes et conſpirationes innectunt, in pericu-
 lum eccleſiaſtici ſtatûs et ordinis, et ſuarum perniciem animarum.
 Gravia ſunt haec, nec poſſunt ſine culpa incorrecta relinqui, vel diffi-
 mulatione aliquâ praeteriri : Quae quidem, ex eo praecipuè, quod in
 quibuſdam religioſis et clericis cooperationis habere dicuntur favorem,
 a quibus in laicos, quos ſalutaribus remediis a tantorum peſte morbo-
 rum curare debuerant, corruptela producitur, zelum excitant ſalutife-
 rae ultionis, et tempeſtivum ſuadent medicinae antidotum praeparari,
 ne in regis diſpendium, quem aetatis infirmitas, ut dicitur, iſta non ca-
 piens excuſare quodammodo videtur a culpa, et in actores ejus retor-
 quere delictum, nec non in detrimentum regni, lapſum fidei et ruinam
 catholicae libertatis praemiſſa malorum initia per moroſam tolerantiam
 in illis Chriſtianae **** iſis invaleſcant. Cum enim qui talia ne-
 quiter agunt vel agenda ſuadent, non ſit incerta damnatio, et promp-
 tum in eos apud Deum durae animadverſionis judicium non dormi-
 tet, paſtoralis ſolicitudinis zelus tunc in eis miſeretur et commodat, cum
 in plectendis culpis eorum ſeverius excandescit. Quare fraternitati
 vſtrae per Apoſtolica ſcripta diſtrictè praecipiendo mandamus, quate-
 nus conſiliarios, officiales, miniſtros regis, regnique ejusdem magnates,
 et alios tam religioſos et clericos, quam laicos, haec et iis ſimilia prae-
 ſumentes, eorumque fautores, qui negligenter, cum poſſent perturbare,
 perversos fovere videntur, ut praefumptiones praediſtas in ſtatum debi-
 tum ſine morae diſpendio ſuadeant revocare, et a conſimilibus prorſus
 abſtineant in futurum ; non impediētes ullo modo per ſe, vel alios,
 vel impediri quantum in eis ſit permittentes eccleſiarum rectores, et
 clericos, ſuper praemiſſis, et aliis, uti pacificè iuriſdictionibus, libertatibus,
 et immunitatibus, in temporalibus ſuis bonis, juxta conſtitutiones ca-
 nonicas et civiles, ac conſuetudines approbatas, per excommunicationem
 in perſonas, et interdictum in terris, ſi laici fuerint, quacunque e-
 tiam dignitatis, vel poteſtatis eminentiâ praefulgentes. Si vero clerici cu-
 juſcunque dignitatis, gradûs, vel ordinis, per privationem, vel ſuſpenſi-

onem perpetuam a praelationibus, dignitatibus, et beneficiis ecclesiasticis, auctoritate nostrâ, sublato cujuscunque appellationis obstaculo, de plano, et absque judiciorum strepitu, quotiens expedierit vel oportuerit, et super hoc requisiti fueritis, compellatis, praelatos nihilominus et clericos saepe fati regni quos laicorum ad opprimendam totaliter ecclesiasticam libertatem, et clerum quemcunque nunc, vel in posterum, contra solemnitatem judiciariam constiterint intentores; nisi hoc celeriter emendare curaverint, moniti competenter cum literis nostris causam ipsorum contingentibus personaliter infra peremptorium terminum eis praefigendum a vobis ad sedem apostolicam, ab officiis beneficiisque suspensos, venire rogatis, prout egerint recepturos. Subditos quoque quos contra praelatos conspirationis facinus deprehenderitis admisisse poenâ canonicâ punientes, non obstante, si aliquibus eorum forsitan sub quacunque forma uberiore generaliter, vel specialiter, a sede Apostolica sit indultum, quod excommunicari vel suspendi non possunt, vel ipsorum terrae subjici ecclesiastico interdicto, seu quavis aliâ dictae sedis indulgentiâ, per quam commissâ vobis jurisdictionis executio impediri valeat vel deferri, et de qua plenam et expressam in literis vestris fieri mentionem oporteat, seu constitutione de duabus dietis edicta in concilio generali, sive quod Scotis dicimur concessisse, ut extra regnum Scotiae nequeant per literas apostolicas ad iudicium evocari. Et, si non omnes iis exequendis potueritis interesse, duo vestrum nihilominus ea exsequantur. Dat. Jan. pridie Kal. Junii. pontificatus nostri anno octavo. Deo gratias.

From this verbose and passionate Bull, we learn that the ministers of Alexander III. were charged as being guilty of the following enormities, subversive of the christian faith. 1. They issued orders requiring the Scottish Bishops to recal certain sentences of excommunication, interdiction, and suspension pronounced by them. 2. They obliged the clergy to appear before secular judges, in matters concerning the patrimony of the church. 3. They held those to be laic fees, which laymen had bestowed on the church, under the condition of performing military service, and of bearing a share in public aids. 4. They narrowed

rowed the antient boundaries of ecclesiastical possessions on the evidence of laymen, who are ready to perjure themselves in order to prejudice the church. 5. By proclamation, issued in name of the King, they commanded questions concerning patronages to be tried before the secular court. 6. They prohibited ecclesiastical censures for enforcing the observance of oaths. 7. They prohibited bishops from imposing pecuniary censures. 8. They abolished the exaction of several sorts of small tythes. 9. They circumscribed the privileges of the married clergy. [This is obscure in the original.] 10. They would not permit causes to be tried by the papal delegates. These were the ten *grievances* of which Pope Innocent IV. so vehemently complained. It is remarkable, that, according to the Pope's account, many Scottish ecclesiastics had entered into associations, for abetting the enormities of the ministers of Alexander III.

No. V.

W A L T E R S T E W A R T,

E A R L O F M E N T E T H.

1296.

Vid. ANNALS, pag. 239.

OUR later historians unanimously assert, that, after the surrender of Dunbar, Edward I. put the Earl of Menteth to death. I once believed what I now must number among the legends of Scotland.

It derives its origin from a passage in Fordun, loosely expressed, and which has been misapprehended by inattentive readers. He says, *Ford. xi. 24.* ‘Alii quamplures milites et barones, spe vitam salvandi, ad castrum de Dunbar fugientes, prompto animo ibidem sunt recepti, quos omnes numero LXX milites, praeter famosos armigeros, et alios valentes viros, una cum Willelmo Comite Ross, et Comite de Menteth, custos ejusdem, Scotus, nomine Richardus Seward, tanquam ad occisionem oblaturus, omnes Regi Angliae praesentavit: *Quos sine miserecordia diversis mortibus et poenis subire mandavit.*’ The meaning is, ‘That Edward inflicted capital and other punishments on the prisoners.’ Fordun does not say, *who* were treated with more, *who* with less rigor.

From

From this passage, it cannot be concluded that the Earl of Menteth was treated with more rigor than the Earl of Ross. Now we know, that the Earl of Ross was not capitally punished; but, on the contrary, was well treated by Edward.

H. Boece tells the story somewhat differently: ‘Septuaginta equi-
tes aurati, cum *Wilhelmo Comite Montisrosarum, et Comite Menteth,*
ac virtute insignes aliquot milites, rebus desperatis, in castellum Doun-
baren. se receperunt; sed obsessi ab Anglo, omnium rerum inopiâ
coacti sunt sese, cum Comite Castelli, et quicquid inerat, dedere, quos
e vestigio crudeliter cruciatos occidit.’ *Boece, xiv. 294. a.*

Boece has introduced into this story an *Earl of Montrose*, who never existed; and, not satisfied with killing all the prisoners, has put them to death by exquisite tortures.

Bellenden, in his paraphrase of Boece, says, ‘Eftir this disconfi-
tour, the Erlis of *Marche* and Menteith, with 70 knichtis, fled to
the castle of Dunbar, and war seigit sa lang, quhill thay war con-
stranit, for lack of vittalis, to be rendered to Kyng Edward, and
thair lyvis to be saifit; nochtheless, *thai war al slane be this cruel*
tyrane Kyng Edward, but ony respect to his fayth or promes.’ *Bellenden, xiv. 3.*

Here Bellenden, omitting Boece’s tortures, has substituted a flagrant breach of the articles of capitulation, which is altogether of his own invention. He omits Boece’s *Earl of Montrose*; but, in his paraphrase, he falls into a more ludicrous mistake. Boece speaks of a *Comes Castelli* among the prisoners, i. e. Richard Seward the Governor; but Bellenden, knowing that *Dunbar* and *March* were the two titles of one man, has translated *Comes Castelli* by the *Earl of March*; and thus has made Edward inflict a capital punishment on his most zealous and most favoured partizan.

Bishop Lesley executes all the *Knights*, but spares the *Earls*.

Buchanan seems to have suspected the truth of this popular tale. He avoids all particulars, and says, ‘In omnes captivos crudeliter
faevitum.’ *Lesley, vi. 235. Buchanan, viii. 137.*

Enough

Enough has been said to prove, that our historians talk at random concerning the cruelty which Edward displayed at the surrender of Dunbar, and that they either copy, misunderstand, or pervert the meaning of each other.

I see no evidence that Edward killed Walter Stewart, Earl of Menteth; on the contrary, I observe, 1. That no reason can be given why he should have put him to death, and yet have favoured the Earl of Ross. 2. There is no reason for believing that Walter Stewart was alive in 1296. Had he been alive at that time, he must have been very aged, and unfit for rapid marches; yet we find the person who was Earl of Menteth in 1296, to have been a leader in different inroads against the English. 3. We have the express evidence of Trivet, and of Walsingham, that the Earl of Menteth, taken at Dunbar, was confined a prisoner in England, and that he afterwards engaged to serve Edward in his foreign wars.

Trivet, 293.
301.
Walsingham,
Ypod. Newstr.
487.

From all which, I think that we may conclude, that the person taken at Dunbar was not *Walter*, but his son *Alexander*, Earl of Menteth.

It is not strange, that in a country, like ours, where the accuracy of history was little regarded, this opinion as to the death of the Earl of Menteth should have prevailed; for it is true, 'that Edward King of England inflicted a capital punishment on the Earl of Menteth, whom he had made prisoner.' Edward III. did this to Graham, Earl of Menteth. Thus the story is true, and the names of the parties are justly related; but the mistake lies in the time, and in the persons. There are many errors in our history, for which so specious an apology cannot be made.

No. VI.

Enough

No. VI.

O F M ' D U F F,

S L A I N AT F A L K I R K IN 1298.

Vid. ANNALS, pag. 261.

SYMPSON was the first of our antiquaries who perceived that *the* *Hist. House of
the Stewarts,
63.* *M'Duff* who joined Wallace was not the Earl of Fyfe, but his great-uncle. I shall endeavour to confirm his hypothesis by the arguments which, probably, he had in view, but omitted, as being foreign to the purpose of his work.

Our genealogical writers relate, ' that Duncan Xth Earl of Fyfe, ' murdered by the Abernethies in 1288, had a son, *Duncan, XIth Earl* ' *of Fyfe, slain at Falkirk 22d July 1298*, who had a son, Duncan, ' XIIth Earl of Fyfe, married to Mary de Monthermer, niece of Edward II.'

There is much reason to believe, that Duncan Earl of Fyfe, married to Mary de Monthermer, was the son, not the grandson of Duncan, murdered by the Abernethies in 1288; and, consequently, that *the intermediate Duncan, called the XIth Earl of Fyfe, never existed.*

I mean to illustrate this proposition, by shewing the great improbabilities which attend the contrary hypothesis.

In 1270, Colban Earl of Fyfe died, leaving a son, Duncan, a child *Ford. x. 28.* of eight years old; therefore Duncan, the son of Colban, could not have been born earlier than 1262.

In 1284, Duncan, having become of age, was admitted to the possession of his earldom. *Ford. x. 39.*

In

Ford. xi. 11.

In 1288, he was murdered by the Abernethies. At that time he could not be more than 26 years old. His being admitted to the earldom in 1284, renders it probable that he had only entered his eighth year when his father died; and, consequently, that he was only 25 at his own death.

Now, supposing Duncan, who was murdered in 1288, to have married at 14, and to have had a son in the following year, *that* son must have been born in 1277; and supposing that son, called *the XIth Earl*, to have married at 14, and to have had a son in the following year, *that* son, the husband of Mary de Monthermer, must have been born in 1292, and, consequently, could not have been older than 14 in 1306, when Edward I. demanded the Pope's consent to his marriage with Mary de Monthermer.

Ford. ii. 1024

Thus, to pave the way for the possibility of the existence of the *intermediate Duncan*, it is required, that the grandfather and the father should both have married at 14; and it must also be supposed, that the grandson was to have married at 14, although, in fact, it happened that his marriage was not solemnized till a year later.

We must also hold, that the grandfather had a son at 15, and that the father had a son at 15.

If Duncan was but just turned of *seven* in 1270, when his father Colban died, which, for the reason already given, is probable; then, to make the bridegroom of Mary de Monthermer to be 14 in 1306, we must farther suppose, that either his father or his grandfather married at 13, and had a son at 14.

This, taking it in another view, is to suppose, that a man may be a great-grandfather, in the male line, at 45.

Such a combination of events is, I believe, unexampled in the history of northern nations.

Yet all this must be supposed, in order to establish the existence of a person who is not mentioned in any antient instrument, and who, indeed, is never mentioned in history at all, unless it be in these words
of

of Fordun, 'M'Duff comes de Fyfe, cum ejusdem incolis, penitus sunt Ford. xi. 34.
'extincti.'

If, on the contrary, we suppose, that Duncan Earl of Fyfe married when he came of age in 1284, he may have had a son born in 1285, and that son would have been just of age in 1306, when Edward I. proposed to bestow his grand-daughter on him. This hypothesis is agreeable to the ordinary course of things; but the other is improbable, and scarcely possible.

I might add other illustrations of this subject from the word *comes*, implying, when loosely taken, the same thing as *custos comitatus*; but I know that many readers despise such minute inquiries; neither, indeed, do I much esteem them. They are, however, useful in some degree, unless it be held, that true and fabulous genealogies are of equal value, and that it matters not whether the histories of noble families be authentic or false.

Yy

No.

No. VII.

OF THE DEATH OF JOHN COMYN.

10th FEBRUARY 1305-6.

Vid. ANNALS, pag. 292.

IN the account of the death of Comyn, as recorded by the Scottish historians, there are many circumstances liable to suspicion; and there are some absolutely false.

It is most improbable that Bruce should have made this proposal to Comyn, 'Support my title to the crown, and I will give you my estate; or, give me your estate, and I will support your title to the crown.' At that time Bruce stood in high favour with Edward, consulted and trusted. Such a proposal, made by one in such circumstances, would naturally have alarmed the suspicions of Comyn, and would have made him apprehend *a false confidence*.

According to Fordun's account, Comyn accepted *one* of the alternatives; but it does not appear *which*; so that we are left to suppose, that Comyn agreed '*either to be King of Scotland, or Earl of Carrick.*'

Barb. 17. Barbour, indeed, obviates this difficulty; for he says, that Comyn made the proposal, not Bruce; and that Bruce answered, 'I will take the crown, for it is mine of right, and yield my lands to you.' But how could Comyn make such a proposal to a person whom he knew to be in the entire confidence of Edward? And how strange is the answer ascribed to Bruce; an answer reviving the antient contest of succession,

of succession, at the very moment when a coalition of parties was proposed?

Barbour and Fordun concur in asserting, 'that the conditions of *Barb. 17.*
'this covenant were drawn up in the form of indenture, and that the *Ford. xii. 5.*
'instrument was sealed by both parties.' It must be held extraordinary, that the two conspirators met together, should have committed such a secret to writing, as if it had been a legal covenant to have force in a court of justice; but more extraordinary still, that they should have done this at the imminent hazard of intrusting their lives and fortunes to the fidelity of a third party; for, I presume, it will be admitted, that two Scottish barons, in that age, could not have framed such an indenture without assistance.

That Edward should have pretended to be satisfied with the justification offered by Bruce, is incredible. It is no less incredible that Bruce should have supposed Edward to have been satisfied with such a justification, after having perused the letters from Comyn.

It is remarkable that Edward, in the first public instrument which makes mention of the slaughter of Comyn, expressly says, 'That he *Feed. ii. 988.*
'himself reposed entire confidence in Bruce *.' I see no reason which could have induced Edward to make this declaration, if he had been possessed of written evidence for proving that the intentions of Bruce were hostile.

Barbour reports, 'That Edward, having received Comyn's part of
'the indenture, summoned a parliament, and that Bruce appeared
'there: That, on the first day of the parliament, Edward exhibited
'the indenture, and charged Bruce as guilty of treason: That Bruce
'desired to have inspection of the indenture till next day, and pledged
'his whole estates for his appearance.' This is a very ignorant account of the manner of proceeding of an English parliament in a case of treason, while the nation was in peace. There is, however, less occasion to insist on this circumstance; because we are certainly informed, by the English historians, and by the publishers of records, that no such parliament was assembled. Besides, the instrument just quoted

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* 'De quo plenam fiduciam habebamus;' *Feed. ii. p. 988.*

ted from *Foedera*, compleatly confutes Barbour's story. For how could Edward have had the effrontery to declare to the world, 'That he reposed entire confidence in Bruce,' if he had openly charged him in parliament as guilty of treason?

That Edward disclosed his purposes against Bruce, in an unguarded moment of festivity, is ridiculous, and *that* the more especially, as the historian had said, just before, that Edward postponed his resolution of taking vengeance on Bruce, until he had secured his absent brothers.

It is altogether incomprehensible, that Ralph de Monthermer, called *Earl of Gloucester*, the King's son-in-law, should have betrayed the secrets of his sovereign and benefactor, in order to preserve the life of one whom he must have viewed in the light of a foul and ungrateful rebel. An acute writer, perceiving this improbability, has said, in general, that Bruce received the information *from a nobleman at Edward's court, his intimate friend*.

The mysterious restitution of *twelve-pence and a pair of spurs*, which the Earl of Gloucester is supposed to have borrowed from Bruce, cannot fail of exciting a smile; it is just as if Sir G. S. should borrow half a guinea and a horseman's whip from the M. of R. The ridicule and absurdity of this circumstance are softened by making the restitution to have been of '*a pair of gilt spurs and a purse of gold*;' but we must take the story as we find it in Fordun.

The sage precaution of inverting the horse-shoes, is no better than the rest. The backward traces in the snow would not prevent this material circumstance from being known, that Bruce's horses had issued forth of the stable. Besides, it happens that we have tolerable reason to believe that no snow fell at that time. Bruce arrived at Lochmaben on the 7th day after his departure from London; he went immediately to Dumfries, met with Comyn, and slew him. As Comyn was slain on the 10th February 1305-6, it follows that Bruce left London on the 2d of February 1305-6. Now, according to an account of

of the weather given by M. Westminster, a contemporary historian, *M. Westm.* there was a great frost, *accompanied with snow*, from the 15th De- 453. cember 1305, to the 25th January 1305-6; and *when men imagined that the severity of the winter was over*, the frost set in again on the 13th of February, and continued until the 13th of April *. This account seems hardly consistent with the *immense snow*, [nix immanis,] which, according to Fordun, fell in the night of the 1st of February.

The only other extravagant circumstance which I shall mention, is that of Comyn dispatching a special messenger *on foot*, in the month of February, immediately after a great thaw, on a journey of full 400 miles, with letters to the King of England, which required the utmost dispatch. To add to the absurdity, this messenger is supposed by Fordun to have been privy to the contents of the letters, which he was employed to convey.

If readers can digest so many absurdities, it is an ungrateful labour to set plain truth before them.

No. VIII.

* 'Subsecuta est hyems frigidissima, mortales perimens, et *durante gelu et nive glaciali* a 18. Kal. Januarii, usque ad 8. Kal. Februarii. Et cum putarent homines *hymem evasisse*, iterum aer cogeatur in nubes, et flante Euro assidue rediit gelu, et *duravit gelu ab Idibus Februarii usque ad Idus Aprilis*;' M. Westm. p. 453.

OF THE ORIGIN OF THE HOUSE

O F

S T E W A R T.

Vid. ANNALS, pag. 298.

*Boece, xii. 251.
b. Lesley, vii.
260. &c. &c.*

OUR historians have recorded the achievements of *Walter the Stewart of Scotland*, in the reign of Malcolm III. He is said to have been the father of Alan, and the grandfather of *that* Walter, who was *indeed* Stewart of Scotland in the reign of David I. and Malcolm IV.

It may perhaps be ascribed to strange prejudices, or to a spirit of scepticism, when I declare, that hitherto I have seen no evidence that such a person as *Walter Stewart of Scotland, in the reign of Malcolm III.* did ever exist.

*Sympson. History of the
Stewarts, 18.
19.*

We are gravely told, ‘That Walter the son of Fleance, the son of Banquo, Thane of Lochaber, having killed a man at the court of Griffith, Prince of Wales, sought refuge with Edward the Confessor; and, having killed another man at Edward’s court, sought refuge with Alan *the Red*, Earl of Britany: That, on the Norman invasion, he came to England with the Earl of Britany, and signalized himself at the battle of Hastings in 1066: That the Earl of Britany, by his
‘ first

'first wife Emma, daughter of Siward, Earl of Northumberland, had
'an only child Christian; and that he bestowed her in marriage on the
'young hero.'

This is the story, which, after various improvements since the days of Boece, has had the good fortune to obtain credit.

That Walter, before he had well attained to the age of manhood, should have slain two men in private quarrels, is a circumstance improbable, yet possible; and, therefore, I object not to it.

But his alliance with the Earl of Britany cannot be so easily admitted.

Alan surnamed *le Roux*, a younger son of Eudo, Earl of Britany, was one of the gallant adventurers who came over with William the Conqueror; *he had neither territories, nor court.* The historians of Britany positively assert that he had no children. Besides, it is hard to say, by what accident Alan *le Roux* should have become acquainted with Emma the daughter of Siward Earl of Northumberland!

Lobineau. Histoire de la Bretagne, i. 98.

I suppose that our historians invented this alliance, in order to strengthen the connection between Walter the Stewart and Malcolm III.

According to one account, the genealogies of their families stand thus:

Siward Earl of Northumberland *

Emma=Alan Earl of Britany. Another daughter=Duncan K. of Scots.

Christina=Walter the Stewart. Malcolm III.

Thus Walter the Stewart and Malcolm III. were cousins german.

According

* There was a certain Princess of Denmark, who brought forth a son to a *Bear*. This son was called *Bern*, and, naturally enough, had ears like a bear. He was the father of Siward Earl of Northumberland; *Brompton, p. 945. ap. Twifden.*

According to another account, the genealogy of their families stands thus :

Siward Earl of Northumberland.	His sister=wife of Duncan.
↓	↓
Emma=Alan Earl of Britany.	Malcolm III.
↓	↓
Christina=Walter the Stewart.	

Thus the mother of Walter the Stewart, and Malcolm III. were cousins german.

It is said, 'That Walter the Stewart had a son *Alan*, also Stewart of 'Scotland.' The evidence of this is to be found in a charter granted by Earl Gospatrick, and in another charter granted by his son Waldeve, Earl of March, at Dunbar. In them *Alden* or *Aldan Dapifer* is mentioned as a witness, that is, say our antiquaries, *Allan, the Stewart of Scotland*.

Anderfon, Diplomata, No. lxxii. lxxiv.

This is the fundamental proposition on which the genealogy of the house of Stewart, as it is commonly understood, may be said to rest.

It will be remarked, that this hypothesis takes it for granted that *Alden* or *Aldan*, and *Alan* are the same: Upon what authority, I know not.

The *Alden* mentioned in the two charters seems to have been *the Stewart of Earl Gospatrick, and of Earl Waldeve, not the Stewart of Scotland*.

To the charter by Earl Gospatrick, there are eight witnesses: Andrew the Arch-deacon; Adam his brother; Nigel the chaplain; Ketel the son of Dolphin; Ernald; *Alden the Stewart* [Dapifer]; Adam the son of Alden; Adam the son of Gospatrick.'

It

Is it possible for credulity itself to believe, that *the Alden* placed so low in such company, was *the High Stewart of Scotland*, a man at least as honourable as Gospatrick himself?

I can have no doubt that the witnesses to this charter were the dependants or household-servants of Earl Gospatrick, and that, if we interpret *Nigellus Capellanus* to be *Nigel the Earl's chaplain*, we must interpret *Aldenus Dapifer* to be *Alden the Earl's steward*.

To the charter granted by Earl Waldeve there are nine witnesses. *Alden Dapifer* is the seventh in order. There are only three among them who seem to have been landed-men: 'Elias de Hadeftandena, [probably Haffenden], William de Copland, and William de Hellebat, [q. Ellbotle]; all the three are placed before *Alden Dapifer*.

It has been remarked, 'That, in those days, the title of *stewart*, or *dapifer*, was too high a title to be given to the retainer of an Earl.' I answer, that the Saxon Chronicle, *anno* 1093, says, 'Moracl of Boeb- *Chr. Sax.* 199.
'baburh was thaes Eorles *stiward*,' i. e. Morel of Bamborough was this Earl's *stewart*, or the *stewart* of Robert Earl of Northumberland.

Besides, to a charter granted by Earl Gospatrick the elder, *Lambertus Dapifer* is a witness. If *Lambertus Dapifer*, in a charter of Gospatrick the elder, implies *Lambert the steward of the family of March*, why should *Aldenus Dapifer*, in the charters of the son and grandson of Gospatrick, imply *the Stewart of Scotland*?

I believe that no defender of the common hypothesis will answer *Anderf. Diplom.* 72.
this objection, by pretending that *Lambertus Dapifer* was indeed *Stewart of Scotland*. Such an answer would leave no room for Walter, *Stewart of Scotland*, who is held to have been a distinguished personage in the reign of Malcolm III.

It is curious to see upon what slight grounds our antiquaries have established the connection between *Aldenus Dapifer* and the House of Stewart. *Walterus filius Alani* appears to have flourished in the reign of David I. In the reign of Malcolm IV. he is termed *Dapifer*. Hence it has been rashly concluded, that *Walterus Dapifer filius Alani*

was the son of that *Aldenus Dapifer* who is a witness to the charters of Gospatrick and Waldeve.

I persuade myself, that *Alden Dapifer*, and *Alan the father of Walter Stewart* of Scotland, in the reign of Malcolm IV. were different persons, and that they had nothing in common but the Christian name, if indeed they had that in common.

Some of my readers may demand, '*Who* then was Alan the father of Walter, Stewart of Scotland in the reign of Malcolm IV. ?'

I can only answer this question by demanding, '*Who* was the father of Martach Earl of Marre in the reign of Malcolm III. ; of Gilchrist Earl of Angus in the reign of Alexander I. ; of Fergus Lord of Galloway in the reign of Malcolm IV. ; or of Friskinus de Moravia, ancestor of the family of Sutherland, in the reign of William the Lion ?' Or, to keep in the supposed line of the royal family of Stewart, '*Who* was the father of Banquho Thane of Lochaber ?'

Many answers may, no doubt, be made to this last question. Kennedy says, that the father of Banquho was one of the seven sons of Corc King of Munster ; Sir George M'Kenzie, of Ferquhard, the son of Kenneth III. ; and Simpson, the son of Ferquhard Thane of Lochaber, the son of Kenneth, the son of Murdoch, the son of Doir, the son of Eth King of Scotland.

Abercrombie,
i. 444.

It is remarkable, that Abercrombie relates all those contradictory stories, without ever suspecting the natural inference arising from them, 'That, if noble persons are not satisfied with a long pedigree, proved by authentic instruments, they must believe in flattering and ignorant fictions ; and that, if they scorn to wait for the dawn of record to enlighten their descent, they must bewilder themselves in dark and fabulous genealogies.'

In the reign of David I. before the middle of the twelfth century, the family of the Stewarts was opulent and powerful. It may, therefore, have subsisted for many ages previous to that time ; but when, and what was its commencement, we cannot determine.

TABLES,

T A B L E S,

SHEWING

The Succession of the KINGS of SCOTLAND;

FROM

MALCOLM III. to ROBERT I.

Their MARRIAGES, CHILDREN, and the time of their DEATH;

AND ALSO,

The KINGS of ENGLAND, FRANCE, and the POPES, who were their
Contemporaries.

No. IX.

KINGS.

MALCOLM III. the son of Duncan, began to reign in 1057.

DONALD, surnamed *Bane*, the younger son of Duncan, usurped the throne 1093.

DUNCAN, the natural son of Malcolm III. expelled Donald surnamed *Bane*, and reigned in his stead, May 1094.

DONALD, surnamed *Bane*, was restored.

EDGAR the son of MALCOLM III. began to reign 1097.

ALEXANDER I. the son of MALCOLM III. began to reign 8th January 1106-7.

MARRIAGES.

MARGARET, daughter of Edward the son of Edmund, surnamed *Ironside*, King of England. Married about 1070. Died 16th November 1093. Buried at Dunfermline.

Sibilla, a natural daughter of Henry I. King of England, married 1107, died 12th June 1122.

CHILDREN.

Edward, slain with his father near Alnwick, 1093.

Ethelred, who became a churchman.

Edmund, died in prison.

EDGAR, died 8th January 1106-7.

ALEXANDER, died 27th April 1124.

DAVID, died 24th May 1153.

Matildis, married Henry I. King of England, 15th November 1100. Died 1st May 1118.

Mary, married Eustace Count of Boulogne, 1102.

William, a commander of the Scottish armies in the reign of DAVID I.

Madach Earl of Athole, married Margaret Daughter of Haco Earl of Orkney.

DEATHS.

MALCOLM III. slain near the castle of Alnwick, 13th Nov. 1093, in the 36th year of his reign. His body was deposited at Tinnmouth, and afterwards removed to Dunfermline.

Malcolm III. had a natural son, *Duncan*, who reigned in Scotland during a short space.

DONALD was deposed May 1094.

DUNCAN was assassinated by Malpedir Earl of Mernes, 1095.

DONALD was deposed 1097. His eyes were put out, and he was condemned to perpetual imprisonment. The time of his death is unknown.

EDGAR died 8th January 1106-7 in the 10th year of his reign.

ALEXANDER I. died 27th April 1124, in the 18th year of his reign.

ENGLAND.

Edward Confess.
Harold, 1065.
William I. 1066.
William II. 1087.

William II. 1087.

William II. 1087.

Henry I. 1100.

Henry I. 1100.

FRANCE.

Henry I. 1031.
Philip I. 1060.

Philip I. 1060.

Philip I. 1060.

Philip I. 1060.

Philip I. 1060.
Louis VI. le Gros,
1108,

POPE S.

Stephen IX. 1057.
Nicolas II. 1059.
Alexan. II. 1061.
Greg. VII. 1073.
Victor III. 1086.
Urban II. 1087.

Urban II. 1087.

Urban II. 1087.

Urban II. 1087.
Pascal II. 1099.

Pascal II. 1099.
Gelafius II. 1118.

KINGS.

DAVID I. the son of MALCOLM III. began to reign 27th April 1124.

MALCOLM IV. surnamed *the Maiden*, the son of Henry Prince of Scotland, and grandson of DAVID I. began to reign 24th May 1153.

WILLIAM, surnamed *the Lion*, son of Henry Prince of Scotland, and grandson of DAVID I. began to reign 9th December 1165.

ALEXANDER II. son of WILLIAM, surnamed *the Lion*, began to reign, 4th Dec. 1214.

MARRIAGES.

Mathilda, daughter of Waltheof Earl of Northumberland, and widow of Simon de St Liz, Earl of Northampton, died 1130.

Ermengarde, daughter of Richard Viscount of Beaumont. Her grandmother was a natural daughter of Henry I. King of England. Married 1186. Died 1233. Buried at the monastery of Balmurinach or Balmerino, which she had founded.

1. *Joan*, daughter of John King of England, married June 25. 1221, died March 4th 1237-8, without issue. 2. *Mary*, daughter of Ingelram de Couci of Picardy, married 15th May 1239; had issue, a son, ALEXANDER.

CHILDREN.

Henry. He died before his father, 12th June 1152. *Henry* married Ada the daughter of the Earl of Warenne and Surrey. Their children were, MALCOLM, born 1142. WILLIAM, born 1143. *David* Earl of Huntington, born 1144. *Ada*, married Florence Count of Holland 1161. *Margaret* married 1. Conan IV. Duke of Britany 1160. 2. Bohun Earl of Hereford. *Matildis* died unmarried 1152.

MALCOLM IV. was never married; but he had a natural son, who died before him.

ALEXANDER II. born in 1198.

Margaret married Hubert de Burgh, justiciary of England, 1222.

Isabella, married Roger son of Hugh Earl Bigot, 1225.

Marjory, married Gilbert Earl Marshal of England, 1235.

Boece says, that WILLIAM had another son, *John*, drowned in his cradle at Perth; but this is doubtful.

ALEXANDER III. born at Rokesburgh, 4th Sept. 1241.

DEATHS.

David died at Carlile
24th May 1153, in the 30th
year of his reign.

MALCOLM died at Jed-
burgh, 9th Dec. 1165, in
the 24th year of his age,
and 13th year of his reign.

WILLIAM died at Stirling,
4th Dec. 1214, in the 72d
year of his age, and 49th of
his reign, buried at the Ab-
bey of Aberbrothoc. His
natural children were,

1. *Robert*, furnamed of
London, [but this is doubt-
ful.]

2. *Henry*, furnamed *Gel-
latly*.

3. *Isabel*, married Robert
de Brus, 1183, and Robert
de Ros, 1191.

4. *Ada*, married Patrick
Earl of March, 1184, died
1200.

5. *Margaret*, married Eu-
stace de Vesci, 1192.

6. *Aufrica*, married Wil-
liam de Say.

ALEXANDER II. died in
the island of Kerary, near the
Sound of Mull, 8th July
1249, in the 51st year of
his age, and 35th of his
reign. Buried at the Abbey
of Melros.

ENGLAND.

Henry I. 1100.
Stephen 1135.
Henry II. 1154.

Henry II. 1154.

Henry II. 1154.
Richard I. 1189.
John 1200.

John, 1200.
Henry III. 1216.

FRANCE.

Louis VI. le Gros,
1108.
Louis VII. le Jeune
1137.

Louis le jeune
1137.

Louis VII. le jeune
1137.
Philip II. Auguste
1180.

Philip II. Auguste
1180
Louis VIII. 1223.
Louis IX. 1226.

POPE S.

Honorius II. 1124.
Innocent II. 1130.
Celestin II. 1143.
Lucius II. 1144.
Eugen. III. 1145.

Eugen. III. 1145.
Anast. IV. 1153.
Hadrian IV. 1154.
Alexan. III. 1159.

Alexan. III. 1159.
Lucius III. 1181.
Urban III. 1185.
Greg. VIII. 1187.
Clement III. 1188.
Celestin III. 1191.
Innoc. III. 1199.

Innoc. III. 1199.
Honor. III. 1216.
Gregor. IX. 1227.
Celestin. IV. 1241.
Innoc. IV. 1243.

KINGS.

ALEXANDER III. son of ALEXANDER II. began to reign 8th July 1249.

MARGARET, called *the Maiden of Norway*, the daughter of Margaret Princess of Scotland, and granddaughter of ALEXANDER III. began to reign 16th March 1285-6.

JOHN BALLIOL began to reign 17th November 1292.

MARRIAGES.

1. *Margaret*, daughter of Henry III. King of England, married 26th Dec. 1242, died 26th Feb. 1274-5; had issue. 2. *Joleta*, daughter of the Count de Dreux, married 1285; without issue.

Isobel daughter of John de Warren Earl of Surrey.

CHILDREN.

Alexander, born at Jedburgh, 21st Jan. 1263-4, married Margaret, daughter of Guy Earl of Flanders, 1282, died 28th January 1283-4; without issue.

David, born in 1270, died in nonage.

Margaret, born 1262, married Eric King of Norway, 1281, died 1183, leaving an only child, MARGARET, called *the Maiden of Norway*.

EDWARD, he invaded Scotland in 1332, and reigned for a short space. 2. *Henry*, slain at Annan 16th Dec. 1332.

DEATHS.

ALEXANDER III. was killed by a fall from his horse between Bruntisland and Kinghorn, 16th March 1285-6, in the 45th year of his age, and 37th of his reign.

MARGARET died in Orkney September 1290, in the 5th year of her reign.

JOHN BALLIOL resigned the crown 2d July 1296, in the 4th year of his reign; died 1314.

ENGLAND.

Henry III. 1216.
Edward I. 1272.

Edward I. 1272.

Edward I. 1272.

FRANCE.

Louis IX. 1226.
Philip le Hardi,
1270.
Philip le Bel,
1285.

Philip le Bel,
1285.

Philip le Bel,
1285.

POPE.

Innoc. IV. 1243.
Alexan. IV. 1254.
Urban IV. 1261.
Clement IV. 1265.
Gregor. X. 1271.
Innoc. V. 1276.
Hadrian V. 1276.
John XXI. 1276.
Nicolas III. 1277.
Martin IV. 1281.
Honor. IV. 1285.

Honor. IV. 1285.
Nicolas IV. 1287.

Celestin V. 1294.
Bonif. VIII. 1294.

A a a

CHRO-

CHRONOLOGICAL ABRIDGEMENT.

I Intended to have made a compleat INDEX to the Annals of Scotland ; but I soon perceived that I had not leisure for executing such a work. The reader, therefore, is entreated to accept of this CHRONOLOGICAL ABRIDGEMENT of EVENTS instead of an INDEX.

The writers who have been consulted in the course of this work, do not all compute the beginning of the year from the same day. One or two of them hold the year to commence at Michaelmas, others at Christmas, others on the 1st of January, and others on the 25th of March. This last was the legal computation with us, until the beginning of the seventeenth century ; and yet our authors have not uniformly observed it.

Such diversity is sometimes productive of uncertainty and confusion ; but the various methods used for describing the days of the year, occasion a much greater intricacy. Some writers affect to compute after the Roman fashion, by Kalends and Ides. This manner of computation, in itself inconvenient, becomes more embarrassing through the ignorance or carelessness of the transcribers of MSS. Other writers, following a course still more inconvenient, describe the dates of events by computing from moveable feasts, or by mentioning the day of the week previous to the festival of some saint.

From these causes, it became a matter of no small difficulty to ascertain and arrange the dates of the numerous events recorded in the Annals of Scotland. Some errors, in this respect, have been discovered and amended ; others, which may have escaped my observation, will be excused by the candid reader.

DUNCAN

A. D.		Page
1034	DUNCAN succeeded his maternal grandfather Malcolm II.	1
1039	Duncan was assassinated by M'Beth in the neighbourhood of El-	
	gin - - - - -	1
1055	Malcolm, the son of Duncan, invaded Scotland - - -	2
1056 Dec. 5.	M'Beth was slain at Lunfanan in Aberdeenshire - -	3
1057 April 3.	Lulach, successor of M'Beth, was slain at Effie in Strathbolgie	3
April 25.	Malcolm III. was crowned at Scone - - -	4
1061	Malcolm, having quarrelled with Tostig Earl of Northumberland,	
	invaded that territory - - - - -	5
1065 Jan. 5.	Edward the Confessor died : Succeeded by Harold -	5
1066	Tostig, brother of Harold, invaded England : Having been repul-	
	fed, he sought refuge with Malcolm - - -	5
Sept. 25.	Harold, King of Norway, and Tostig, were slain at Staneford-	
	bridge, near Yorke - - - - -	6
Oct. 14.	Harold, King of England, was slain at the battle of Hastings :	
	William, Duke of Normandy, succeeded him -	6
1068	Edgar Ætheling, heir of the Saxon line, fled to Scotland -	6
	His sister Margaret married Malcolm III. -	7
Jan. 28.	The Northumbrians revolted, and surprised Durham -	8
1069 Sept. 11.	The Danes landed in England - - -	9
Oct. 22.	The Northumbrians and Danes stormed the castle of Yorke, and	
	then dispersed themselves - - - - -	9
1070	Malcolm invaded England - - - - -	10
1072	William the Conqueror invaded Scotland, and concluded a peace	
	with Malcolm - - - - -	13
	William the Conqueror fortified Durham - -	14
1073	Edgar Ætheling was received into the favour of the Conqueror	18
1079	Malcolm invaded and wasted Northumberland - -	19
1080	Robert, the son of the Conqueror, invaded Scotland ;—repulsed ;—	
	built Newcastle - - - - -	19
1087 Sept. 9.	William the Conqueror died : Succeeded by his second son, Wil-	
	liam Rufus - - - - -	19

Edgar

A. D.		Page
1087	Edgar Ætheling again took refuge in Scotland - - -	20
1091. May.	Malcolm invaded England, and concluded a peace with William Rufus - - -	22
1092	William Rufus built a castle at Carlisle - - -	23
1093 Aug. 24.	Malcolm repaired to Gloucester, to have an interview with William Rufus, and returned home in disgust - -	23
Nov. 13.	Malcolm having invaded England, was slain near Alnewick castle	24
Nov. 15.	His son Edward died of the wounds he received at Alnewick	24
Nov. 16.	Margaret, Queen of Scotland, died - - -	25
	Donald Bane, the brother of Malcolm III. landed from the Hebrides, and assumed the crown of Scotland - -	44
1094 May.	Duncan, a bastard of Malcolm III. expelled Donald Bane, and reigned in his stead - - -	45
1095	Duncan was assassinated, and Donald re-ascended the throne	46
1097	Edgar Ætheling, with the approbation of William Rufus, invaded Scotland; and having overcome Donald, placed Edgar, the son of Malcolm III. on the throne - - -	47
1098	Magnus, King of Norway, it is said, made himself master of Orkney - - -	48
1100 Aug. 2.	William Rufus was slain in the New Forrest: Succeeded by his brother Henry I. surnamed Beauclerc - -	48
Nov. 15.	Henry I. married Matildis, sister of Edgar King of Scots	48
1102	Eustace, Count of Boulogne, married Mary, the other sister of Edgar - - -	48
1106 Jan. 8.	Edgar, King of Scots, died: Succeeded by his brother Alexander I. - - -	48
1107	Alexander married Sibilla, the natural daughter of Henry I. King of England - - -	49
	Alexander consented that his brother David should possess the Scottish part of Cumberland - - -	49
1109 July 30.	After long contests, Turgot, a monk of Durham, was consecrated bishop of St Andrew's - - -	50
	Turgot,	

A. D.		page
1115 Aug. 31.	Turgot, Bishop of St Andrew's, died - -	51
1118 May 1.	Matildis, Queen of England, died - -	51
1120 June 29.	Eadmer, a monk of Canterbury, was elected to the see of St Andrew's, and soon after quitted it - -	51—62
1121	Ralph Flambard, Bishop of Durham, founded the castle of Northam, on the south bank of Tweed - -	62
1122 June 12.	Sibilla, wife of Alexander I. died - -	62
	John, Bishop of Glasgow, was suspended by Thurstin Archbishop of York, for having refused canonical obedience to him. The Bishop of Glasgow appealed to Rome - -	63
1123 January.	Robert, prior of Scone, was elected Bishop of St Andrew's	63
1124 April 27.	Alexander I. died : Succeeded by his brother David - -	63
1125	John of Crema, a Cardinal and Papal legate, held a council at Rokeburgh - - - -	65
1127	Henry I. King of England, made a settlement of the crown in favour of his daughter Matilda - -	66
1128	Robert, Bishop of St Andrew's, was consecrated - -	66
1130	Angus, Earl of Moray, was slain by the Scots at Strickathrow in the county of Forfar - - - -	67
	Matildis, the wife of David, died - -	67
1135	Henry I. King of England, died : His sister's son, Stephen Earl of Mortaigne, ascended the throne - - - -	67
	David marched into England to assert the pretensions of Matilda : Not being supported, he was obliged to make peace with Stephen - - - -	67, 68
February.	Henry, Prince of Scotland, did homage to Stephen for the honour of Huntingdon, &c. - - - -	68
1136	David prepared to invade Northumberland ; but was persuaded to consent to a truce - - - -	69
1137	David invaded Northumberland, and assaulted the castle of Werk, unsuccessfully - - - -	69
1138	Stephen marched against David : David retired into Scotland	70
	Stephen	

A. D.		page
1138	Stephen wasted the Scottish borders, and then retreated	71
1138 Mar 31.	David again invaded Northumberland	71
June 5.	The Scots defeated the English at Clitherow, on the borders of Lancashire	72
	The castle of Norham surrendered to the Scots	72
Aug. 22.	The English defeated the Scots at Cutton-moor, near Northalerton	72—79
	The castle of Werk surrendered to the Scots	82
1139 April 9.	Peace was concluded at Durham, between Stephen and David	82
	Henry, Prince of Scotland, after having accompanied Stephen to the siege of Ludlow castle, married the daughter of the Earl of Warrene	84
1140 Feb. 2.	Ranulph, Earl of Chester, unsuccessfully attempted to surprise Prince Henry; but having been joined by the Earl of Gloucester, he defeated the army of Stephen at Lincoln, and made him prisoner	84
1141	David repaired to Matilda at London: A conspiracy having been formed against her, she fled with David: David, after many dangers, escaped into Scotland	85, 86
1149	Henry, the son of Matilda, had an interview with David at Carlisle: An unsuccessful plan was formed for dethroning Stephen	90
1151	One Wimund, an impostor, who had excited troubles in Scotland, was made prisoner, and his eyes were put out	86—89
1152 June 12.	Henry, Prince of Scotland died	91
1153 May 24.	David I. King of Scots, died at Carlisle: Succeeded by his grandson, Malcolm IV.	93
Nov. 5.	Somerled, Thane of Argyle, with the children of Wimund, invaded Scotland	101
1154	One Arthur, who had plotted against the King, was killed in single combat	102
	Stephen	

A. D.		page
1154 Oct. 25.	Stephen King of England died : Succeeded by Henry II.	102
1156	Donald, the son of Wimund, was made prisoner -	102
1157	Wimund was pardoned by the King of Scots, and retired to the monastery of Biland in Yorkshire - -	102
	Somerled agreed to terms of accommodation with Malcolm	103
	Malcolm had an interview with Henry II. at Chester ; did homage to him ; ceded his possessions in the northern counties to him, and obtained from him the territory of Huntingdon	103, 104
1158	Malcolm had an interview with Henry II. at Carlisle : Having been denied the honour of knighthood, he returned to Scotland in disgust - - -	104
1159	An embassy was sent from Scotland to Pope Alexander III.	105
	Malcolm went to France, and served in the army of Henry II. He was knighted by that King - -	105
1160	An insurrection in Scotland. Ferquhard Earl of Strathern, and five other Earls, unsuccessfully attempted to seize the person of the King at Perth - - -	106
	An insurrection in Galloway : Malcolm overcame Fergus Lord of Galloway : Fergus assumed the monastic habit	106, 107
1161	The sisters of Malcolm were given in marriage, Margaret to Conan Count of Britany, and Ada to Florence Count of Holland - - -	107
	Malcolm expelled the mutinous inhabitants of Moray, and planted new colonies in their room - -	107
1163 July 1.	Malcolm did homage to Henry II. and his infant son, at Woodstoke - - -	108
	Roger, Archbishop of York, the legate of Alexander III. summoned the Scottish clergy to a council at Norham : They remonstrated against this, and appealed to Rome -	108
1164	Somerled invaded Scotland : He and his son Gillecolane were slain at Renfrew - - -	108
	It	

A. D.		page
1164	It is said, that the people of Scotland constrained William, the brother of Malcolm, to assume the office of regent	109
1165 Dec. 9.	Malcolm IV. died at Jedburgh : Succeeded by his brother William	109
1166	William, surnamed <i>the Lion</i> , served in France under the banners of Henry II.	111
1168	William, dissatisfied with Henry, sent ambassadors to France for negotiating an alliance with that crown	111, 112
1170	Henry II. celebrated Easter at Windsor, attended by William and his brother David : He knighted David	112
June 15.	Henry II. celebrated the coronation of his son	112
June 16.	William and David did homage to the young King	112
1172	William having in vain solicited the restitution of Northumberland, quarrelled with Henry II.	113
1173	William entered into an alliance with the rebellious son of Henry II. invaded England, and unsuccessfully besieged Werk and Carlisle	113
	The English malcontents were defeated in Suffolk, and their leader, the Earl of Leicester, made prisoner	114
1174	The vassals of the Earl of Leicester put David, the brother of William, in possession of the castle of Leicester	114
July 13.	William invaded Northumberland : He was surprised and made prisoner near Alnewick : He was conveyed to Falaise in Normandy : His brother David retreated to Scotland	114—116
Dec. 8.	A treaty was concluded at Valogne in the Cotentin ; by which William became the liegeman of Henry for Scotland, and all his other territories : William was released from his captivity	117
1175	William, with his clergy and barons, did homage to Henry II. at York	119
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1333.	Archibald Douglas was acknowledged as Regent by the Scots	162
March 30.	Edward III. ordered an army to rendezvous at Newcastle	162
May 7.	He rejected the solicitations of the King of France in behalf of the Scots; and declared, that he was resolved to chastise their outrages	162
20.	He ordered the Isle of Man to be seized in his name; and, soon after, he made it over to William de Montague	163
	Edward III. and Balliol, laid siege to Berwick	163
	The besieged, although successful in burning great part of the enemies fleet, were reduced to extremities	164
July 11.	The Regent appeared with an army in the neighbourhood; attempted to relieve Berwick, but in vain; marched into Northumberland, and made an unsuccessful attack on Bamburgh castle, where Philippa, the consort of Edward III. resided	164
	During a general assault, Berwick was set on fire, and great part of it burnt. The inhabitants insisted to capitulate. It was agreed that the town and castle should be surrendered, unless relieved on the 19th of July	164
19.	The Regent returned out of Northumberland, attacked the English at Halidon, and was totally defeated. He was made prisoner, and died of his wounds. The Earls of Lenox, Ross, Sutherland, Menteth, Carriek, and Athole, [Campbell], with many other persons of distinction, were slain	165—167
	Berwick surrendered to the English	167
26.	Edward III. granted his protection to the Earl of March, who had commanded in Berwick, and appointed him to an important office	168
	The castles of Dunbarton, Lochleven, Urquhart, and Kildrummy, with a strong hold in Lochdoun, were the only places in Scotland which remained in possession of the partizans of David II.	168

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- Malcolm Fleming conveyed David II. and his consort, from Dunbarton into France - - - 168
- Oct. Balliol held his first parliament - - - 169
- Edward III. summoned Balliol to his parliament; but Balliol excused himself, by reason of the unsettled state of Scotland 169
- Feb. 10. Balliol held a parliament at Edinburgh 169
12. In that parliament, the treaty between Balliol, and his liege-lord, was ratified - - - 169
1334. June 12. Balliol surrendered great part of the Scottish dominions, to be annexed for ever to England; at Newcastle upon Tyne 171
- June 15. and 21. Edward III. appointed officers of justice in his new dominions 172
18. Balliol did homage to Edward III. for the whole kingdom of Scotland, and the isles adjacent; at Newcastle upon Tyne 172
- June 18. The private estates of Balliol happening to have been *comprehended* under the general words of Balliol's cession, Edward III. declared them *excluded*, 'because he had too much reverence for God, justice, and good faith, to mean that the cession should be prejudicial to private rights.' - - - 173
- August A quarrel arose among *the disinherited*, or *claimants*, who had supported the cause of Balliol. Alexander de Moubray claimed an inheritance as heir-male of his brother John de Moubray. Henry de Beaumont, Earl of Buchan, and David de Strathbolgie, or Hastings, Earl of Athole, espoused the cause of the heirs-general. Perceiving that they were not heard, they left the court in disgust. Balliol dismissed Moubray, and courted his opposers - - - 173
- Sir Andrew Moray of Bothwell having been released from captivity, assembled the surviving friends of Scotland. Alexander de Moubray joined him; and Geoffrey de Moubray, governour of Rokeburgh, revolted to the Scots - - - 174
- Richard

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1334.

Richard Talbot, an eminent person among *the disinherited Lords*,
endeavoured to pass into England from the north. He was in-
tercepted, defeated, and made prisoner, by Sir William Keith
of Galston - 174

The Regent and Sir Andrew Moray, with Moubray, besieged
Henry de Beaumont in his castle of Dundarg; and, on his capi-
tulating, allowed him to depart into England - 174

The Stewart, who had lain concealed in Bute, took arms, won the
castle of Denoon in Argyleshire, and made himself master of
Bute, and the territory of Renfrew - 175

Godfrey de Ross, the English governour of Airshire, submitted
to the Stewart - 175

The Earl of Moray had escaped into France after the battle of
Halidon: He now returned. The Scots acknowledged him
and the Stewart as joint Regents - 175

The Earl of Moray suddenly invaded the territories of [Haftings]
Earl of Athole, cut off all supplies, and compelled him to sur-
render. Athole went over to the Scots - 176

Balliol again fled to England for protection - 176

Nov. 14. Edward III. marched into Scotland to quell the insurgents 176

Dec. Balliol, with a detached body, wasted Avondale, and the neigh-
bouring country - 176

25. He royally celebrated Christmas at the castle of Renfrew; distri-
buting lands and offices among his guests.—His chief favourite
was William Bullock, an ecclesiastic - 177

Edward III. led the rest of his army into the Lothians, and ruled
at pleasure - 177

Patrick Earl of March renounced his fealty to Edward III. 177

1335.

John de Strivelin [or Stirling] besieged Alan de Vipont in the
castle of Lochleven - 178

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1335.	June 19. While he was celebrating the festival of St Margaret at Dunfermline, the Scots surprised and destroyed his works	178
	John de Strivelin passionately vowed, never to desist from his enterprise, until he had overthrown the castle, and put the garrison to the sword : Yet he raised the siege -	178
April	The Stewart, and the Earl of Moray, Regents, held a parliament at Dairsy, [near Coupar in Fife.] The members, distracted by party-animosities, separated without concerting any general plan of defence. - -	179
July 11.	France had offered her mediation ; but the English parliament rejected all terms of peace ; and Edward III. again invaded Scotland, and marched, with Balliol, towards Perth -	179
30.	Count Guy of Namur landed at Berwick with a body of foreign auxiliaries, and advanced to Edinburgh. He was encountered, and vanquished, at <i>the Borough Muir</i> . He and his troops were allowed to depart, on their promise not to serve again in the Scottish wars - -	180—181
	The Earl of Moray, Regent, while he returned from escorting Count Guy, was set upon, and made prisoner, by William de Preffen, warden of Jedburgh - -	181
August 18.	The Moubrays, and others, pretending to have powers from the Earl of Athole and the Stewart, concluded a treaty with Edward III. at Perth - -	183
24.	Edward III. granted a pardon to the Earl of Athole, restored him to his English estates, and appointed him Lieutenant in Scotland	184
	Athole, invested with new authority, punished the partisans of the cause which he had deserted. He besieged the castle of Kildrummy. Sir Andrew Moray and the Earl of March having collected 1100 men, surprised Athole in the forest of Kilblain. Athole, abandoned by his troops, was slain -	185
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1335.	Dec. 12.	Balliol concluded a treaty with John, Lord of the Isles, on very disadvantageous terms - - - 187
		Edward III. made grants of his new acquisitions to his principal Lords - - - 187
	Jan. 27.	After having lent L. 300 to Balliol, he settled a daily pension on him of five marks, to be enjoyed during pleasure - 188
		Sir Andrew Moray assembled a parliament at Dunfermline, and was acknowledged by that assembly as regent - 188
		A short truce had been granted to the Scots, through the mediation of the ambassadors from the Pope and the King of France, and had been renewed from time to time; nevertheless, the
	March 8.	Scots still kept the field. Edward III. renewed the truce, on condition that the Scots should desist from the blockade of the castles of Coupar and Lochindorp, and not besiege any other fortresses - - - 190
1336.	April 7.	Edward III. appointed the Earl of Lancaster to the command of the troops in Scotland - - - 190
	10.	He vested him with full powers of pardoning the Scots - 190
	May 4.	He authorised Lancaster, and others in commission with him, to conclude a short truce with Scotland - - - 190
	August.	Edward III. came unexpectedly to Perth, marched into the north, raised the siege of Lochindorp, wasted Moray, and penetrated to Inverness. The Scots avoided encountering him - 191
		Meanwhile Thomas Roskeme, a foreigner in the service of England, landed with a body of troops at Dunoter. The citizens of Aberdeen attacked him, and were worsted; but Roskeme fell in the action. Edward, on his return from the north, burnt Aberdeen - - - 191
		Edward III. endeavoured to secure Scotland by a chain of fortresses; and left his brother, John Earl of Cornwall, to command in Scotland - - - 191-192
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1336.	October. The Earl of Cornwall died at Perth -	192
	October. Sir Andrew Moray, the Regent, besieged the castle of Stirling ; but was obliged to abandon the enterprize. -	193
	Sir Andrew Moray won the castles of Dunoter, Laurieston, and Kincleven, and thus broke the chain of the English fortresses	193
	The Knight of Liddesdale attacked Lord Berkeley near Blackburn, but was discomfited, and hardly escaped -	193
	The Scots hired some gallies, at Genoa, to act against the English ; but the Genoese regency burnt them -	193
	A naval armament, fitted out by the partizans of David II, took many English ships near the Isle of Wight, and plundered Guernsey and Jersey - -	194
Feb. 28.	Sir Andrew Moray cast down the tower of Falkland, won the castle of Leuchars, and, after a siege of three weeks, took the castle of St Andrews - -	194
1337.	March. The castle of Bothwell surrendered to the Scots -	195
	Sir Andrew Moray invaded Cumberland, and wasted the country in the neighbourhood of Carlisle. He besieged the castle of E- dinburgh. The English came to its relief; they fought the Scots at Crichton in Mid-Lothian; the Scots kept the field; but their commander, the Knight of Liddesdale, was dangerously wounded; Sir Andrew Moray raised the siege -	195
	Henry de Beaumont, in the north, revenged the death of Athole, his son-in-law, by slaying the Scots who had been at the battle of Kilblain, whenever they fell into his hands -	196
	A great famine in Scotland: Many persons died of want, and many emigrated - -	196
August	The wives and children of the Scottish barons who had sought an asylum in Flanders, embarked in two ships to return home, under the guidance of John de Lindesay Bishop of Glasgow; John de Ros,	

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1337.

- Ros, the English admiral, took them: The Bishop of Glasgow was mortally wounded, and many persons of distinction slain 197
- October 7. Edward III. publicly asserted his claim to France. - 197
- 7. 15. Meanwhile the Scots were amused with negotiations for peace 198
15. Edward III. empowered the Earls of Arundel and Salisbury to receive the Scots to pardon and favour - 198
- Jan. 28. The Earl of Salisbury besieged the castle of Dunbar, which was bravely defended by the Countess of March, daughter of Randolph - 198—200

1338. June 10. Alexander Ramsay having brought succours into the castle of Dunbar, made a successful sally. The English abandoned the siege, and consented to a cessation of arms - 201

Alexander Ramsay, with a company of resolute young men, lurked in the caves of Hawthornden, infested the country, and even made inroads into the English borders. He encountered Robert Manners at Prestfen, near Werk-castle, made him prisoner, and totally defeated his forces - 202

The Knight of Liddesdale expelled the English from Teviotdale 202

Sir Andrew Moray, Regent of Scotland, died; Robert The Stewart succeeded him in the office of Regent - 202

The Regent made preparations for besieging Perth, and despatched the Knight of Liddesdale into France to implore aid for the Scots - 203

- August 4. Edward III. required Balliol to commit Perth to the care of Thomas Ughtred - 203

Balliol obeyed, and went to reside in England - 204

1339,

The Stewart came before Perth. The Knight of Liddesdale returned with French auxiliaries - 204

William Bullock, bribed by the Stewart, yielded up the castle of Coupar, and swore fealty to David II. - 205

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1339.	The Stewart, assisted by the counsels of Bullock, besieged Perth.	
	The Earl of Ross, by the artifice of a mine, drained the fosse.	
August 17.	Ughtred capitulated - - -	205
	The Stewart rewarded, and dismissed the French auxiliaries	205
	The Stewart besieged and took the castle of Stirling, where Thomas Rokesby commanded - - -	205
	The Stewart made a progress through Scotland for the administration of justice - - -	206
Sep. 26.	Edward III. entered the French territories - - -	206
	The armies of England and France, after having been in fight for some days, mutually withdrew, at Viron-fosse, in the Cambresis	206
	David II. it is said, was in the French army - - -	206
1340.	Edward III. having unsuccessfully besieged Tournay, made a truce	
Sep. 25.	with France; in that truce the Scots were comprehended	206
	The Scots, commanded by the Earls of March and Sutherland, made an inroad into England: They were repulsed by Thomas de Gray - - -	206
1341. April 17.	The castle of Edinburgh was surprised by a stratagem of William Bullock - - -	207
May 4.	David II. and his consort Johanna, landed from France, at Inverbervie, in Kincardineshire - - -	207
1342. March 30.	Alexander Ramsay of Dalwolsy took the castle of Rokesburgh by escalade - - -	208
	David II. rewarded him with the office of sheriff of Teviotdale, which the Knight of Liddesdale enjoyed - - -	208
June 20.	While Ramsay held his courts in the chapel of Hawick, the Knight of Liddesdale assaulted and wounded him, and carried him prisoner to the castle of Hermitage.—Ramsay was starved to death - - -	209
	William Bullock, accused of treasonable practices, was thrust into the castle of Lochindorp, where he expired through cold and hunger - - -	209
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The Knight of Liddefdale, through the intercession of the Stewart,
was pardoned, restored to his office, and made keeper of Rokef-
burgh castle - - - 210

During this year, the Scots infested England by frequent inroads :

1. The Earl of Moray burnt Penreth. The King served as a
volunteer under him. 2. The King erected the royal standard,
invaded Northumberland, received a check from Robert Ogle,
and retired ingloriously. 3. A third inroad was repressed by
Balliol, lieutenant to the north of Trent - - - 210

The Scots besieged the castle of Lochmaben in Annandale, where
Walter Selby commanded. Selby, aided by John Kirkeby,
Bishop of Carlisle, and Thomas de Lucy, repulsed the Scots 211

Feb. 20. Edward III. made proclamation, that he had consented to a truce
with France, and her allies, until Michaelmas 1346. Military
operations were every where suspended - - - 211

1343. August 18. Edward III. began to make attempts on the fidelity of the Knight
of Liddefdale - - - 212

1344. August 25. The Scots, weary of the truce, made inroads on the marches :
Balliol, with the forces of the north of England, was appointed
to oppose them - - - 213

1345. March 15. Edward III. charged Philip King of France, with having aided the
Scots, contrary to the conditions of the truce - - - 213

1346. April 24. He declared that the King of France had violated the truce, and
he commanded hostilities to be re-commenced - - - 213

David II. instigated by France, undertook to invade England. His
army rendezvoused at Perth. The Earl of Ross assassinated
Raynald of the Isles, in a monastery, and, abandoning the King's
host, led back his followers to their mountains - - - 213

David II. stormed the castle of Lidel, and beheaded Walter Selby
the governour, who had alternately plundered and defended
England - - - 213

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- The Knight of Liddefdale advised the King of Scots to abandon his enterprize against England; but his barons urged him on 214
- David II. marched through Northumberland, and wasted the bishoprick of Durham, not even sparing the patrimony of St Cuthbert - 214
- October 16. He pitched his camp at Bear Park, within view of Durham, while Edward III. lay before Calais with his best troops - 214
- William le Zouche Archbishop of Yorke, with the northern barons, prepared to oppose the Scots - 214—215
- The Knight of Liddefdale, being on a foraging party, encountered the English forces, and was defeated at Ferry of the hill 215
17. The Scots and the English fought at Nevils cross, near Durham; the Scots were utterly discomfited; David II. was wounded and made prisoner; and many of the Scottish nobility were slain 216—219
20. The English regency appointed commissioners to pardon the Scots and receive their fealty - 220
- Nov. 20. Some of the English having connived at the escape of their prisoners; this was prohibited, under pain of death - 219
- Jan. 2. The King of Scots was imprisoned in the Tower of London 220
20. John Copland, who took him, and Robert de Bertram who took the Knight of Liddefdale, were amply rewarded 220
- The English entered Scotland, took the castles of Rokesburgh and Hermitage, and advanced their posts to the neighbourhood of the low country of the Lothians - 220
- Balliol, who then resided in Galloway, having been joined by some English troops, wasted the Lothians, Clydesdale, Cuningham, and Niddefdale - 221
- The Stewart was elected to the office of Regent, in absence of the King - 221
- William

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William Lord Douglas, having returned from France, expelled the English from Douglassdale, the forest of Etrick, and Teviotdale 221
John de Graham, Earl of Menteth, and Duncan Earl of Fyfe, prisoners at Durham, were convicted of treason. Edward III. together with the warrant for trying them, transmitted to their judges a schedule containing the sentence of condemnation. Sentence was executed against the Earl of Menteth, but not against the Earl of Fyfe. - - 221—222

1347. Aug. 4. Edward III. won Calais, after a tedious siege - 222

Sep. 28. He concluded a truce with France, to endure, by various prorogations, until the 1st of April 1354. Scotland was comprehended in the truce - - 222

1348. April 16. Negotiations were commenced for procuring the liberty of the King of Scots - - 222

October 10. Queen Johanna obtained permission to visit her husband the King of Scots, after he had been in captivity for two years 222

1349. The great pestilence reached Scotland - 222

1350. John St Michel and his accomplices assassinated Sir David Berkley at Aberdeen. The Knight of Liddesdale, it is said, hired the murderers, in revenge of the death of his brother Sir John Douglas, assassinated by Berkley - - 223

Aug. 23. Philip King of France died ; succeeded by his son *John* 223

March 5. A treaty was carried on for releasing the King of Scots, and for establishing peace. Balliol in vain protested against this treaty: He was, however, admitted to the conferences - 223

1351. Sept. 4. The King of Scots obtained a temporary enlargement from prison, on giving hostages - - 223

1352. The English engaged in certain dark negotiations with the King of Scots and Lord Douglas - - 224

The negotiations proved unsuccessful, and the King of Scots was remanded to prison - - 225

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1352.	July 17. The Knight of Liddefdale, while a prisoner, entered into articles of agreement with Edward III. inconsistent with his duty as a Subject of Scotland, [at London] - 225—227	
1353.	Duncan M'Dowal, a powerful chief in Galloway, was induced by Lord Douglas to acknowledge the sovereignty of the King of Scots. Edward III. ordered his estates to be seized, and his goods confiscated - 227—228	
Aug. 18.	The treaty was renewed for the release of the King of Scots. David II. was permitted to assist at the conferences at Newcastle; but nothing was determined. The Scots, it is said, suspected their King - 228	
Aug.	The Knight of Liddefdale was assassinated at Galvord, in Etrick forest, by his kinsman Lord Douglas, in revenge, it is said, for the murder of Ramsay and Berkley - 228	
July 13.	The treaty for the ransom of David II. was finished at Newcastle. The ransom was 90,000 marks, in yearly payments of 10,000 marks. A truce concluded for nine years, in which all the allies of England, and especially Balliol, were comprehended. Twenty young men of quality were given by the Scots as hostages - 229	
Nov. 12.	The treaty was ratified by commissioners from Scotland - 230	
Dec. 5.	And by Edward III. and the Prince of Wales - 230	
	Edward III. about this time, negotiated with Balliol, as well as with David Bruce - 230	
Oct. 8.	Edward III. secured the possession of Hermitage castle, by a treaty with the widow of the Knight of Liddefdale - 230	
March 12.	The Scottish government debased the coin. Edward III. issued a proclamation forbidding its currency. This proclamation sets forth, 'that the antient money of Scotland was wont to be of the same weight and alloy as the Sterling money of England' - 231	
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- April The King of France, in order to procure a breach of the truce, sent Eugene de Garencieres to Scotland with a body of troops, and a considerable sum of money. The Scots agreed to break the truce, and to invade England - 232
- The Earl of March, who had assisted at the treaty with England, was active in forwarding the negotiations with France - 232
- August Taking a pretext from an incursion of Northumbrian borderers into his estates, he ordered Sir William Ramsay of Dalwoly to pillage the town of Norham. Sir Thomas Gray, the keeper of Norham castle, sallied out, was drawn into an ambush by Ramsay, and, after a courageous resistance, was made prisoner, with most of his followers, at Nisbet in the Merse - 233
- Nov. Thomas Earl of Angus surprised the town of Berwick from the sea, while the Earl of March, and the French auxiliaries, assaulted it on the land-side. The town was pillaged - 233
- The Regent came to Berwick, and made provision for its defence. He sent the French auxiliaries home - 234
- Jan. 13. Edward III. expeditiously marched against Berwick. The garrison obtained favourable terms of capitulation - 234
20. Balliol made an absolute surrender to Edward III. of all his private estates in Scotland, [at Rokesburgh] - 234
- And, on the same day, he surrendered his kingdom and crown to Edward III. - 234—235
- Edward III. became bound to pay 5000 marks to Balliol, and to secure him in an annuity of 2000 pounds Sterling, [at Bambergh] - 236
- Edward III. after having remained at Rokesburgh for some days, in hopes of the submission of the Scottish barons, marched into Scotland, desolated the country, and then retreated, not without considerable loss. - 236—237
- He

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1355.	March 15. He issued a proclamation, declaring his resolution to maintain the antient laws and usages of Scotland -	238
1356.	After Edward's retreat, the Scots expelled his partizans from the west marches: Roger de Kirkpatrick stormed the castles of Dal-swinton and Carlaverock, and reduced Nithsdale. John Stewart, the eldest son of the Regent, reduced Annandale, and Lord Douglas Interior Galloway -	238
	March 25. Edward III. appointed the Earl of Northampton, Warden of the marches, and others, commissioners for treating of a peace with Scotland -	239
	April 17. Lord Douglas became bound to the Warden not to molest the English, as long as they abstained from hostilities against his estates, and those of the Earl of March -	239
	Sept. 19. Battle of Poitiers. The French were defeated, and their King made a prisoner. There was great carnage of the Scots who had crowded to the French standard. Lord Douglas, although wounded, escaped. Archibald Douglas, although made prisoner, escaped unknown -	240
	Jan. 17. In a parliament at Perth, the Scots appointed the Bishop of St Andrews, and others, commissioners to treat for the ransom of the King, and for peace -	241
	March 23. A truce for two years was concluded between Edward III. and the French King, [at Bourdeaux] -	241
1357.	May 8. The Scots, negotiating for themselves, concluded a truce with England for six months -	241
	June 24. Sir James Lindesay assassinated, under trust, Roger de Kirkpatrick at Carlaverock castle. He was seized, tried, and executed -	242
	Notwithstanding the truce, certain Scotsmen sent out three vessels to cruise against England. They were forced into Yarmouth by a tempest, together with the ships which they meant to seize, and were confiscated -	242

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1357.	August.	David II. was conveyed to Berwick, where the conferences for peace were held	242
		The English demanded a ransom of one hundred thousand marks for the King of Scots	242
	Sept. 26.	In a parliament held at Edinburgh, the Scots consented to the demands of the English, and took every method for rendering their consent effectual	243
	Oct. 3.	The treaty was at length concluded at Berwick. The ransom was 100,000 marks, in ten equal yearly payments. Many hostages of distinguished rank were to be given. A truce, until payment of the ransom, was stipulated	244—245
	5.	The King of Scots, the nobility, and the boroughs, ratified the treaty	245
	6.	The Bishops also ratified it	245
	Nov. 6.	David II. having been released, held a parliament at Scone, laid the treaty before the three estates, obtained their approbation, and then ratified the treaty anew	245
1358.	June 21.	The Scottish bishops had engaged to subject the ecclesiastical revenues in payment of the ransom; but the Pope peremptorily refused to ratify their engagement	245
	July 14.	David II. obtained permission from Edward III. to visit England The Pope granted a tenth of the ecclesiastical revenues in Scotland for three years, towards payment of the ransom, under condition that nothing more should be exacted from the Scottish clergy on that account	245 246
1359.	June 29.	Sir Robert Erskine and Norman Lesley, ambassadors from Scotland, entered into a negotiation with France. It was agreed, that, on Easter-day 1360, the French should pay fifty thousand marks Sterling to the Scots, and that the Scots should renew the war with England. A ratification of the former alliance between France and Scotland was also stipulated, [at the Louvre]	

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1360.	May 8. The first step that the French took after a treaty so solemn on their part, and so hazardous to Scotland, was to conclude a treaty of peace with the English, [at Bretigny near Chartres.] By it the King of France renewed every alliance with Scotland, and the King of England, every alliance with the people of Flanders	248
	Oct. 24. But both Kings protested, that such renunciations should only take place, in the event of the articles of peace being reciprocally fulfilled	248
	Aug. 20. Meanwhile negotiations for a final peace between England and Scotland were commenced	248
	Catharine Mortimer, a favourite concubine of David II. was murdered. Thomas Stewart Earl of Angus, suspected of having been privy to the murder, was imprisoned in the castle of Dunbarton	249
1361.	The plague broke out in Scotland. It was computed that one third of the people perished in this general calamity. The Earl of Angus died of it; as also some of the hostages in England	249
	David II. retired to the north of Scotland to avoid the infection. Some differences arose between him and the Earl of Marre. The King besieged and took his castle of Kildrummy; but he soon received him into favour again	249
1362.	Johanna, the consort of David II. died childless	250
1363.	In a parliament held at Scone, David II. proposed to the three estates, that, in the event of his dying without issue, they should chuse for their King Lionel Duke of Clarence, son of Edward III. The three estates unanimously rejected the proposition.	250—251
	Many of the Scottish nobility now formed associations for their mutual support. The Stewart, in particular, with his own sons, and with the Earls of March and Douglas	251
	The malecontents took up arms, and committed many outrages. The King also armed. The malecontents submitted, and a general	

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1363.	general amnesty was proclaimed, on condition that the barons should renounce their associations, become bound to abstain from such confederacies, and renew their oath of fealty	252
May 14.	The Stewart, in particular, renounced his associations, under the penalty of forfeiting all title to the crown of Scotland, &c.	253
	David II. again repaired to London, and involved himself in secret negotiations with England	253
Nov. 23.	The two Kings were present at a conference, in which a plan was formed for settling the crown of Scotland on the King of England for the time being, in default of David II. and his issue male	253—259
	David II. married Margaret Logie, a woman of singular beauty	259
Feb.	David II. visited England, under pretence of performing his devotions at the shrine of the Virgin at Walsingham	260
1364. April 8.	John King of France died at London. Succeeded by his son <i>Charles</i>	260
	A treaty was concluded which settled the arrears of the ransom, and the penalties for delay of payment, at 100,000 marks Sterling, to be paid in moities of 6000 marks yearly. But the parties seem to have restricted the sum to 80,000 marks.	
1365. June 12. and 20.	[<i>Note.</i>] The truce was prolonged until 2d February 1370-1.	261
1367.	Committees of parliament, with parliamentary powers were introduced, under the pretence of general conveniency	261
1369. July 20.	The truce between the two nations was prolonged for the farther space of fourteen years; and, it was agreed, that the residue of the ransom-money should be cleared by annual payments of 4000 marks	262
Feb. 18.	In a parliament, at Scone, some wise laws were enacted	262—263
	David II. yielding to the suggestions of his consort, imprisoned the Stewart and his three sons, John, Robert, and Alexander	263
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- David II. applied to the Scottish Bishops to be divorced from Margaret Logie. They pronounced sentence of divorce; but she appealed to the Pope, and repaired in person to Avignon to prosecute her appeal. The cause was never determined - 264
- On the disgrace of Margaret Logie, the Stewart and his sons were set at liberty - - - 265
- Feb. 22. David II. died in the castle of Edinburgh. And was succeeded by his nephew ROBERT, The Stewart of Scotland 265—266

MISCELLANEOUS OCCURRENCES.

1306.

A daily allowance of sixpence was made for the Bishop of St Andrews, while a prisoner in England, of three pence for his serving man, of three halfpence for his foot-boy, and three halfpence for his chaplain - - - 267

Elisabeth, the consort of Robert Bruce, while a prisoner in England, had a foot-boy to make her bed - - - 267

1308.

John Duns Scotus, called *Doctor Subtilis*, died, a person excessively admired by his contemporaries, as a teacher of philosophy and theology - - - 268

1310.

So great famine in Scotland, that many persons fed on horse flesh 269

One Harding asserted, that his coat armorial had been usurped by one Seintlowe. The question was decided by single combat, in presence of the King of Scots. Seintlowe having been vanquished, acknowledged the right of Harding. [Qu. as to the truth of this incident?] - - - 269

1314.

Five shillings the value of a cow, and six shillings and eight pence the value of an ox - - - 270

1327.

Fire-arms first employed by the English in their wars with Scotland - - - 270

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- The manner of living of the Scots during their military expeditions, described by Froissart - 270
1329. Theft was so frequent, that husbandmen housed their ploughshares every night. Randolph, Regent, in the minority of David II. ordered, that all ploughshares should be left in the fields; and, if stolen, that the county should refund their value. The iron-work of a plough was estimated at two shillings - 270
1335. From a grant by Edward III. of the estate of Edrington, in the Merse, it appears, that, antiently, *salmon fishings and mills* were *extended* - 271—272
- By an article of the alliance between Balliol and the Lord of the Isles, it was provided, that the Lord of the Isles should have right to stand godfather to any heir of Balliol's body. 272
1336. Alan of Winton forcibly carried off the heiress of Seton. This produced a feud in Lothian. 'An hundred ploughs were laid aside from their labour,' says Fordun - 272
- Henry de Lancaster, commander of the English at Berwick, courteously invited the Knight of Liddesdale, and his friends, to partake of the diversion of a tournament. In the course of the sports, the Knight of Liddesdale was wounded, and two Scottish gentlemen and three English were killed - 272—273
1339. A great famine in Scotland; the poorer sort fed on grass; and many were found dead in the fields - 273
1340. The Scots employed cannon at the siege of the castle of Stirling 273
1345. Ten marks Sterling settled as a stipend on the vicar of Aberdeen 274
1346. A person pretending himself to be Alexander Bruce Earl of Carrick, slain at Halidon in 1333, appeared in Scotland, and deceived the vulgar. He was convicted as an impostor, and hanged; yet his story still obtained credit - 274
1347. Edward Balliol, and others, engaged to serve the King of England. The daily pay of Balliol was sixteen shillings; of the chief commanders,

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	manders, eight shillings; of a banneret, four shillings; of a knight, two shillings; of an esquire, one shilling; of an archer on horseback, four pence. Twenty eight days were reckoned to the month, and ninety days to the quarter -	274
1349.	David II. while a prisoner, appeared at a tournament with the badge of a <i>white rose</i> -	275
1350.	The great pestilence, which had desolated the continent, reached Scotland -	275
	A perpetual annuity of eight marks Sterling, secured on land, was purchased for one hundred and twenty marks -	275
1354.	Wallace and Prudholm, whom Heron had charged as guilty of horse-stealing, offered to justify themselves by single combat. Heron obtained permission from Edward III. to send two champions into Scotland to prove his charge -	275
1355.	After the action at Nisbet, a Frenchman in the service of Scotland, purchased some English prisoners, and privately flew them, in revenge for the death of his father, whom the English had slain in France -	276
	Edward III. having permitted Balliol to hunt in the forest of Inglewood, an indemnity was granted to all men who had hunted in his company -	276
1356.	A like indemnity was granted as to fishing: It mentioned the species and the size of the fish caught -	276
1358.	A great inundation happened in Lothian. A nun of the convent at Haddington, is reported to have stayed the waters by threatening to throw the statue of the Virgin Mary into the river	276—277
1361.	The pestilence again in Scotland -	277
1362.	One hundred shillings provided to the vicar of Cloveth and Kil-drummy, in Aberdeenshire -	277
1370.	Andrew Demster of Caraldston became bound that he and his heirs should furnish a person to administer justice in the courts of the abbey	

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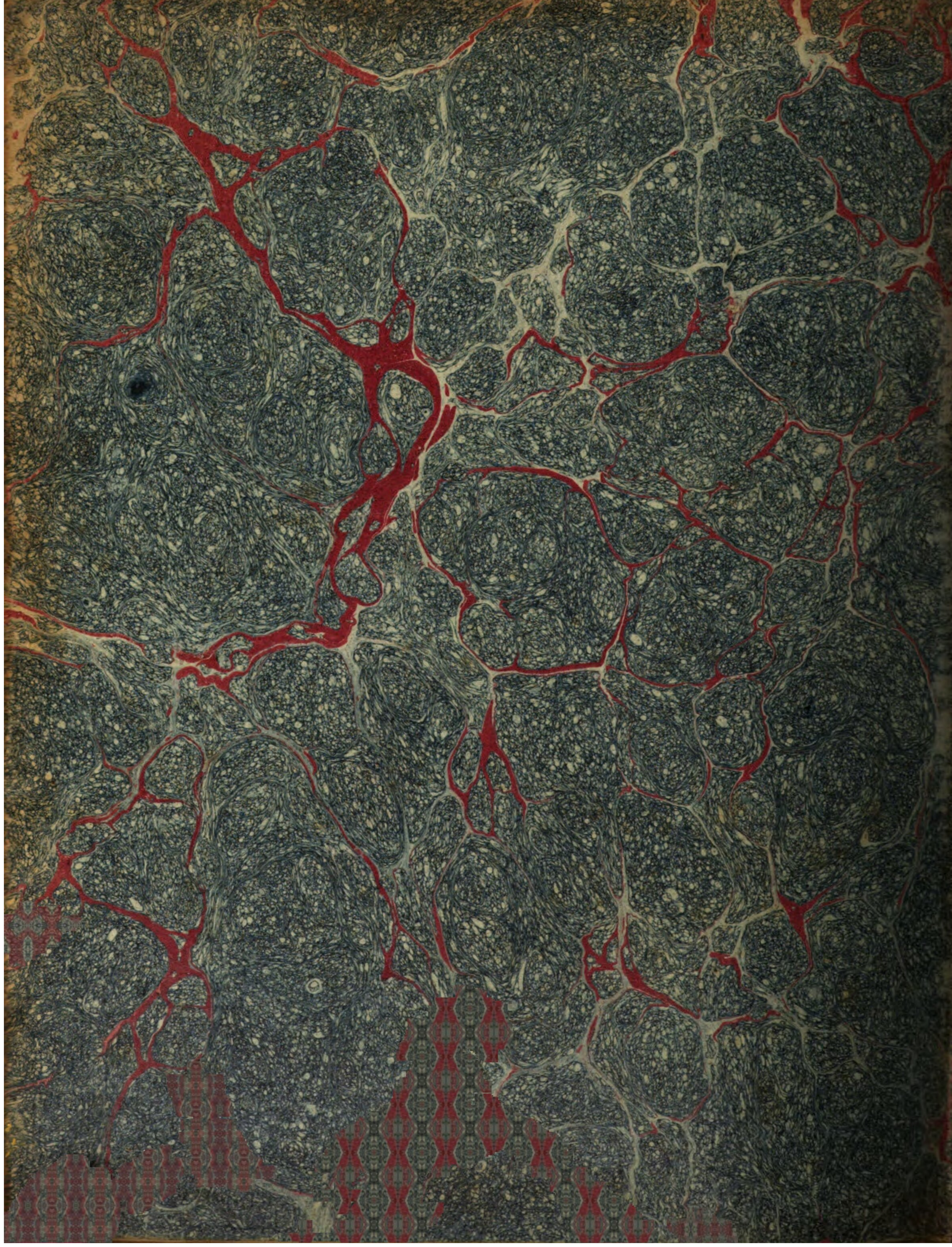
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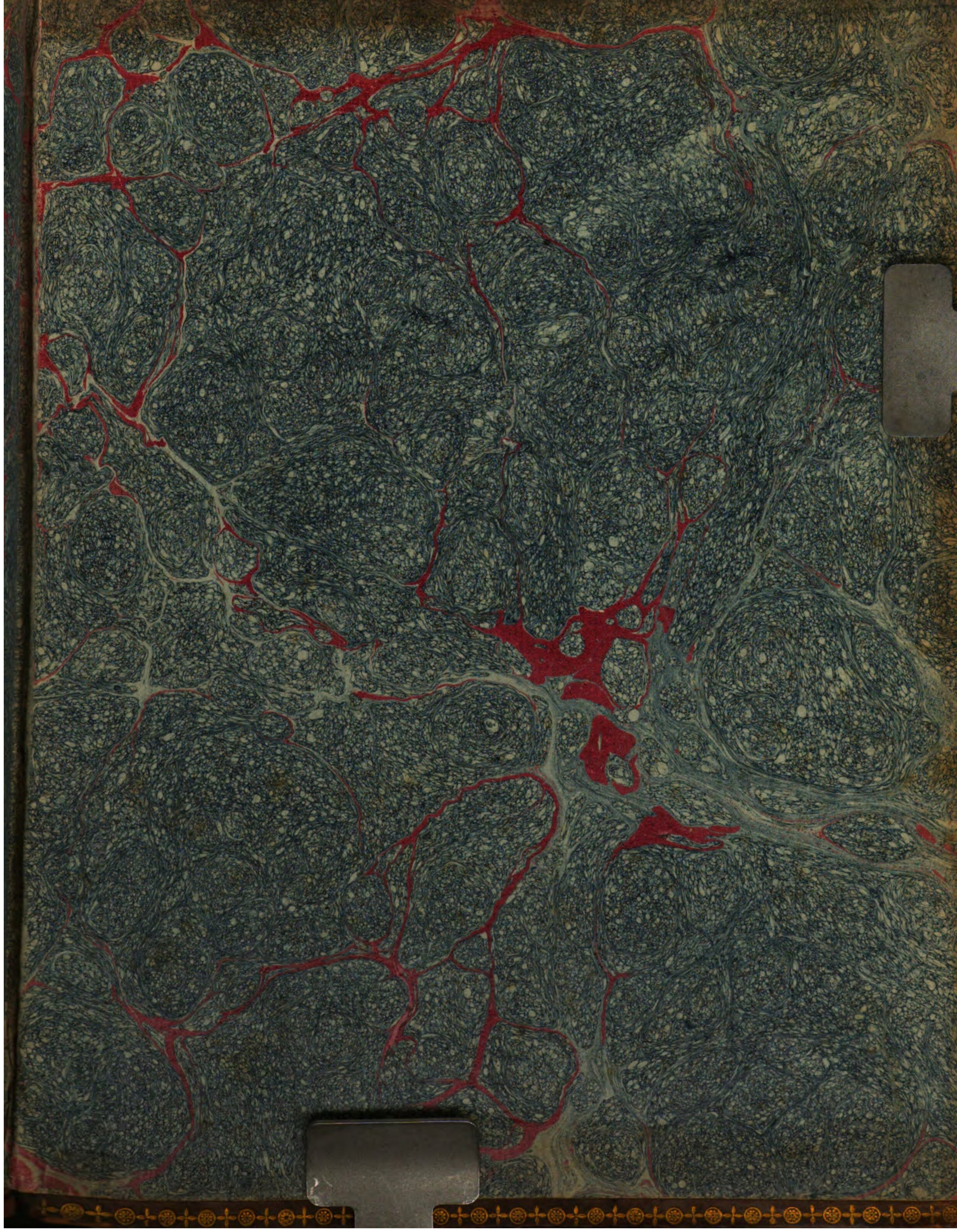
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